

FEDERAL REGISTER

VOLUME 35

• NUMBER 44

Thursday, March 5, 1970

• Washington, D.C.

Pages 4109-4188

Part I

(Part II begins on page 4179)

Agencies in this issue—

The President
Agricultural Research Service
Agriculture Department
Army Department
Civil Aeronautics Board
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Highway Administration
Federal Home Loan Bank Board
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Immigration and Naturalization
Service
Indian Affairs Bureau
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
Securities and Exchange Commission
Small Business Administration
Social and Rehabilitation Service
Social Security Administration
Tariff Commission
Treasury Department

Detailed list of Contents appears inside.



Announcing First 10-Year Cumulation

TABLES OF LAWS AFFECTED

in Volumes 70-79 of the

UNITED STATES STATUTES AT LARGE

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of

public laws enacted during the years 1956-1965. Includes index of popular name acts affected in Volumes 70-79.

Price: \$2.50

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402



FEDERAL REGISTER

Area Code 202

Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$2.50 per month or \$25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Contents

THE PRESIDENT

EXECUTIVE ORDER

- Establishing the President's Commission on School Finance..... 4113

EXECUTIVE AGENCIES

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

- Hog cholera and other communicable swine diseases; areas quarantined (2 documents).... 4115

AGRICULTURE DEPARTMENT

See also Agricultural Research Service; Commodity Credit Corporation; Consumer and Marketing Service.

Notices

- Food and Nutrition Service; assignment of functions..... 4146

ARMY DEPARTMENT

Rules and Regulations

- Procurement; miscellaneous amendments to subchapter.... 4123

CIVIL AERONAUTICS BOARD

Notices

- Domestic passenger fare investigation; prehearing conferences (5 documents)..... 4147, 4148

COAST GUARD

Proposed Rule Making

- Sturgeon Bay, Wis.; special anchorage area..... 4136

COMMERCE DEPARTMENT

See Maritime Administration.

COMMODITY CREDIT CORPORATION

Rules and Regulations

- Oilseeds; 1970-crop supplement to cottonseed purchase program regulations 4132

CONSUMER AND MARKETING SERVICE

Rules and Regulations

- Oranges grown in Arizona and California; handling limitations:
Navel oranges..... 4132
Valencia oranges..... 4132

DEFENSE DEPARTMENT

See Army Department.

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

- Control zone; alteration; correction 4116
Operation and flight; maintenance inspections..... 4116

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

- Amateur radio service; licensing and operation of repeater stations 4138
Multiple ownership of standard, FM, and television broadcast stations; stock held by banks in fiduciary capacity; extension of time 4138

Notices

- Common carrier services information; domestic public radio services applications accepted for filing..... 4163
Standard broadcast application ready and available for processing 4167

FEDERAL HIGHWAY ADMINISTRATION

Proposed Rule Making

- Federal motor vehicle safety standards; retreaded pneumatic tires for passenger cars..... 4136

FEDERAL HOME LOAN BANK BOARD

Notices

- Applications to acquire control of certain savings and loan associations:
Bass Financial Corp..... 4148
Western and Southern Life Insurance Co..... 4148

FEDERAL POWER COMMISSION

Rules and Regulations

- Gas purchase facilities; budget-type applications..... 4133

Proposed Rule Making

- Accounting and rate treatment of advance payments to suppliers of gas; extension of time..... 4141

Notices

- Hearings, etc.:*
Distrigas Corp..... 4153
Humble Oil & Refining Co. et al..... 4153
Mobil Oil Corp. et al..... 4148
Pennzoil United, Inc., et al..... 4153
Southern Natural Gas Co..... 4154

FEDERAL TRADE COMMISSION

Rules and Regulations

Prohibited trade practices:

- Bernardo, Inc., et al..... 4116
Epstein & Sherman, Inc., et al..... 4117
Exelbert Fur Corp. et al..... 4117
Harry's Linoleum Co. et al..... 4118
Miss Darbs Coat Co., Inc., et al..... 4118
New Brunswick Pants Co., Inc., et al..... 4119
Samuel Braun Furs, Inc., et al..... 4119
W.W. Distributors, Ltd., and William W. Robinson..... 4120
Wilkenfeld, Mechel..... 4120

FISH AND WILDLIFE SERVICE

Notices

- Inktun, Inc.; loan application.... 4146

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

- New animal drugs for implantation or injection; sulfadimethoxine injection..... 4133

Notices

- Formetanate hydrochloride; extension of temporary tolerance.. 4147

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration; Social and Rehabilitation Service; Social Security Administration.

IMMIGRATION AND NATURALIZATION SERVICE

Proposed Rule Making

- Students 4135

INDIAN AFFAIRS BUREAU

Notices

- Delegation and redelegation of authority:
Area Field Representative, Hoopa Area Field Office, Sacramento Area Office..... 4142
Superintendents et al., Phoenix Area Office..... 4142

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Notices

- Fourth section applications for relief 4173
Motor carrier, broker, water carrier, and freight forwarder applications 4167
Motor carriers:
Temporary authority applications (2 documents)..... 4174, 4175
Transfer proceedings..... 4175

(Continued on next page)

JUSTICE DEPARTMENT

See Immigration and Naturalization Service.

LAND MANAGEMENT BUREAU**Notices**

Alaska; filing of plats of survey (2 documents)	4143
California; proposed classification of public lands for transfer out of Federal ownership	4143
Nevada; classification of public lands for multiple use management	4144
Oregon: Classification of public lands for disposal by exchange	4144
Proposed withdrawal and reservation of lands	4146

MARITIME ADMINISTRATION**Notices**

Oceanic Steamship Co.; application	4146
--	------

SECURITIES AND EXCHANGE COMMISSION**Rules and Regulations**

Certification of financial statements; interpretative release ..	4121
--	------

Forms:

Securities Act of 1933; use of summary prospectuses in connection with registration of certain securities to be offered for cash	4122
Securities Exchange Act of 1934; broker-dealer form	4122
Organization, conduct and ethics, and information and requests; delegation of functions to certain staff officials	4121
Notices	
Hearings, etc.: Continental Vending Machine Corp	4154
Indiana & Michigan Electric Co	4154
Lincoln National Capital Fund et al	4154

SMALL BUSINESS ADMINISTRATION**Notices**

Crocker Capital Corp.; issuance of small business investment company license	4161
Delegations of authority: Associate Administrator for Financial Assistance	4155
Regional Division Chiefs, Region V, et al	4155

SOCIAL AND REHABILITATION SERVICE**Proposed Rule Making**

Aging programs and activities	4180
-------------------------------------	------

SOCIAL SECURITY ADMINISTRATION**Notices**

Belgium; finding regarding foreign social insurance or pension system	4147
---	------

TARIFF COMMISSION**Notices**

Steel bars, reinforcing bars, and shapes from Australia; determination of injury	4161
--	------

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Federal Highway Administration.

TREASURY DEPARTMENT**Notices**

Polypropylene film from Japan; determination of sales at not less than fair value	4142
---	------

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1970, and specifies how they are affected.

3 CFR

EXECUTIVE ORDER:	
11513	4113

7 CFR

907	4132
908	4132
1443	4132

8 CFR

PROPOSED RULES:	
103	4135
214	4135

9 CFR

76 (2 documents)	4115
------------------------	------

14 CFR

71	4116
91	4116

16 CFR

13 (9 documents)	4116-4120
------------------------	-----------

17 CFR

200	4121
211	4121
231	4121
239	4122
249	4122

18 CFR

2	4133
157	4133

PROPOSED RULES:

154	4141
201	4141
260	4141

21 CFR

135b	4133
------------	------

32 CFR

591	4123
592	4126
593	4127
594	4130
596	4130
599	4131
600	4131
601	4131

33 CFR

PROPOSED RULES:	
110	4136

45 CFR

PROPOSED RULES:	
Ch. IX	4180

47 CFR

PROPOSED RULES:	
73	4138
97	4138

49 CFR

PROPOSED RULES:	
371	4136

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11513

ESTABLISHING THE PRESIDENT'S COMMISSION ON SCHOOL FINANCE

By virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of the Commission.* (a) There is hereby established the President's Commission on School Finance (hereinafter referred to as "the Commission").

(b) The Commission shall be composed of not more than sixteen members to be appointed by the President. The Chairman and Vice Chairman of the Commission shall be designated by the President from among the members.

(c) Members of the Commission who are otherwise compensated by the United States for full-time service shall serve without compensation in addition to that received for their full-time service; but they shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law. Other members of the Commission shall receive compensation at the rate of \$190 per diem when engaged in the actual performance of duties vested in the Commission, and they shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703, for persons in the Government service employed intermittently.

SEC. 2. *Functions of the Commission.* It shall be the function of the Commission to study, and report to the President on, future revenue needs and resources of the Nation's public and non-public elementary and secondary schools. Such study and report shall include:

(1) The implications of the leveling-off in school enrollments for fiscal and educational planning on all levels of government and for non-public schools.

(2) The fiscal status of non-public elementary and secondary schools, and attendant implications for public schools and public policy.

(3) The probable rate of growth in per-pupil expenditures in the coming decades and its consequences for tax policy, for educational finance, and for educational quality.

(4) A review of the financial structure of elementary and secondary education and an assessment of future trends in the public and private sectors.

(5) The adequacy of the existing tax base and structure for the support of public schools, and possible alternatives.

(6) An assessment of the potential of non-public schools to contribute more effectively to the nation's educational progress, of the present and future needs and problems of non-public schools, and of ways and means by which non-public schools can be assisted, within the limits of the law, in carrying out their educational responsibilities.

(7) An assessment of present public programs which aid non-public schools and comparison with programs aiding public schools.

(8) Recommendations for achieving greater cooperation between public and non-public schools in furthering the education of all children.

(9) Possible inequities and disparities in educational expenditures among States and between urban, suburban, and rural systems; and the effects of Federal and State aid programs on such disparities.

(10) Recent proposals by State and local governments to revise the organizational and financial structure of their school systems and the need for complementary changes in Federal programs and organization.

(11) The implications of Federal revenue sharing for the financing of public and non-public education.

(12) The implications of possible changes in the public welfare system and in the program of aid to Federally-impacted areas for school services and for the financing of public and non-public education.

(13) The ways to achieve possible efficiencies in the use of educational facilities and personnel.

(14) The advantages and disadvantages of changing the organization of public education on the State and local level and of consolidating some districts and decentralizing others.

(15) Ways of altering the distribution of Federal education funds so as to simplify and improve their usefulness for State, local and non-public education agencies.

(16) The adequacy of present data concerning the distribution of Federal, State, and local education funds among States, communities, neighborhoods, and individual schools within districts, and ways of improving the collection and use of such data.

(17) Existing measures of the results of schooling, possible improvements in helping local schools make such measurements, and ways to enable schools to compare their results with schools in similar circumstances.

(18) Such other matters as the Commission finds it necessary to study in order to treat adequately those mentioned above.

SEC. 3. *Assistance to the Commission.* (a) The Commission is authorized to appoint such personnel as it deems necessary, to fix their compensation in accordance with law, to obtain services in accordance with the provisions of 5 U.S.C. 3109, and to enter into contracts for the conduct of studies necessary to the performance of its functions.

(b) In compliance with the provisions of applicable law, and as necessary to serve the purposes of this order, (1) the Department of Health, Education, and Welfare shall provide or arrange for necessary administrative and staff services, support, and facilities for the Commission, and (2) each executive department or agency shall furnish the Commission such information and other assistance as may be available.

SEC. 4. *Reports and Termination.* The Commission shall present such interim reports to the President as the President or the Commission shall deem appropriate. The Commission shall present its final report not later than two years from the date of this order. The Commission shall terminate thirty days following the submission of its final report.



THE WHITE HOUSE,
March 3, 1970.

[F.R. Doc. 70-2764; Filed, Mar. 3, 1970; 5:03 p.m.]

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in paragraph (e) (13) relating to the State of Oklahoma, a new subdivision (iv) relating to Stephens County is added to read:

(13) *Oklahoma.* * * *

(iv) That portion of Stephens County bounded by a line beginning at the junction of U.S. Highway 81 and the Stephens-Grady County line; thence, following U.S. Highway 81 in a southerly direction to State Highway 7; thence, following State Highway 7 in a westerly direction to the Stephens-Comanche County line; thence, following the Stephens-Comanche County line in a generally northerly direction to the Stephens-Grady County line; thence, following the Stephens-Grady County line in an easterly direction to its junction with U.S. Highway 81.

2. In § 76.2, in paragraph (e) (15) relating to the State of South Carolina, a new subdivision (iii) relating to Kershaw County is added to read:

(15) *South Carolina.* * * *

(iii) That portion of Kershaw County bounded by a line beginning at the junction of U.S. Highway 601 and the west bank of the Wateree River; thence, following U.S. Highway 601 in a generally southwesterly direction to Gillies Ditch; thence, following the north bank of Gillies Ditch in a southeasterly direction to the west bank of the Wateree River; thence, following the west bank of the Wateree River in a generally northwesterly direction to its junction with U.S. Highway 601.

3. In § 76.2, in paragraph (c) (16) relating to the State of Texas, subdivision (i) is amended to read:

(16) *Texas.* (i) Dallas, Falls, Fayette, Henderson, Lee, and Upshur Counties.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Stephens County in Oklahoma and a portion of Kershaw County in South Carolina because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendments also exclude Houston County, Tex., from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

Insofar as the amendments relieve certain certain restrictions presently imposed, they must be made effective immediately to be of maximum benefit to affected persons. Insofar as the amendments impose restrictions, they should be made effective without delay in order to protect the livestock of the United States. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of February 1970.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-2658; Filed, Mar. 4, 1970;
8:45 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act

of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e) (17) relating to the State of Virginia, new subdivisions (x) and (xi) are added to read:

(17) *Virginia.* * * *

(x) That portion of Isle of Wight County bounded by a line beginning at the junction of U.S. Highway 258 and Secondary Highway 652; thence, following U.S. Highway 258 in a southwesterly direction to Secondary Highway 645; thence, following Secondary Highway 645 in a northwesterly direction to Secondary Highway 646; thence following Secondary Highway 646 in a northwesterly direction to Second Highway 620; thence, following Secondary Highway 620 in a northeasterly direction to Secondary Highway 652; thence, following Secondary Highway 652 in a southeasterly direction to its junction with U.S. Highway 258.

(xi) The adjacent portions of Isle of Wight and Surry Counties bounded by a line beginning at the junction of Secondary Highways 617 and 626; thence, following Secondary Highway 626 in a southeasterly direction to Secondary Highway 621; thence, following Secondary Highway 621 in a southwesterly direction to Secondary Highway 680; thence, following Secondary Highway 680 in a southeasterly direction to Secondary Highway 683; thence, following Secondary Highway 683 in a southerly direction to Secondary Highway 623; thence, following Secondary Highway 623 in a northwesterly direction to Secondary Highway 622; thence, following Secondary Highway 622 in a northwesterly direction to Secondary Highway 617; thence, following Secondary Highway 617 in a northeasterly direction to its junction with Secondary Highway 626.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines portions of Isle of Wight and Surry Counties in Virginia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas

as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of March 1970.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 70-2713; Filed, Mar. 4, 1970;
8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-WE-87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

Correction

In F.R. Doc. 70-2131 appearing at page 3220 in the issue for Friday, February 20, 1970, the longitude designation in the fifth line of the control zone description, now reading "122°45'25" W.", should read "122°44'25" W."

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 10149; Amdt. 91-74]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Maintenance Inspections

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to clarify the language requiring an inspection on aircraft operated to give flight instruction for hire.

Section 91.169(b) states that no person may operate an aircraft carrying any person (other than a crewmember) for hire or to give flight instruction for hire unless, within the preceding 100 hours of time in service, it has been inspected and approved for return to service in accordance with Part 43.

With respect to flight instruction, this regulation has been misunderstood by many persons, including members of private flying clubs, to mean that they

could not receive flight instruction in an aircraft owned or leased by them if the flight instructor received compensation for his services, unless the aircraft had met the 100-hour inspection requirement. However, this is not the intent of the regulation. The purpose of this amendment is to clarify the regulation and, as intended, limit the applicability of the inspection requirement to those instances in which the person providing flight instruction for hire also provides the aircraft in which the instruction is given. In addition, the language of § 91.169(b) is amended to clarify the ambiguity as to which specific inspection satisfies the requirement. As presently written, the aircraft must have been inspected and approved for return to service within the preceding 100 hours of time in service, in accordance with Part 43. There is an inference that the required inspection must be the 100-hour inspection, but the regulation was not intended to be so restrictive. The requirement for an inspection may be satisfied by a 100-hour inspection, an annual inspection, or an inspection for the issue of an airworthiness certificate, if the inspection was within the preceding 100 hours of time in service, and this amendment so provides.

Since this amendment merely clarifies existing language in the Federal Aviation Regulations, and imposes no additional burden on any person, I find that public notice and procedures are not necessary, and that good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, § 91.169(b) of the Federal Aviation Regulations is hereby amended, effective March 5, 1970, to read as follows:

§ 91.169 Inspections.

* * * * *

(b) Except as provided in paragraph (c) of this section, no person may operate an aircraft carrying any person (other than a crewmember) for hire, and no person may give flight instructions for hire in an aircraft which that person provides, unless within the preceding 100 hours of time in service it has received an annual or 100-hour inspection and been approved for return to service in accordance with Part 43 of this chapter, or received an inspection for the issuance of an airworthiness certificate in accordance with Part 21 of this chapter. The 100-hour limitation may be exceeded by not more than 10 hours if necessary to reach a place at which the inspection can be done. The excess time, however, is included in computing the next 100 hours of time in service.

* * * * *

(Secs. 313(a) and 601, Federal Aviation Act of 1958, 49 U.S.C. 1354(a) and 1421(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 24, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-2696; Filed, Mar. 4, 1970;
8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1682]

PART 13—PROHIBITED TRADE PRACTICES

Bernardo, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*: 13.30-75 *Textile Fiber Products Identification Act*; § 13.73 *Formal regulatory and statutory requirements*: 13.73-90 *Textile Fiber Products Identification Act*. Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties*: 13.1053-80 *Textile Fiber Products Identification Act*. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-80 *Textile Fiber Products Identification Act*; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-80 *Textile Fiber Products Identification Act*. Subpart—Neglecting, unfairly, or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-70 *Textile Fiber Products Identification Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Bernardo, Inc., et al., Miami, Fla., Docket C-1682, Feb. 10, 1970]

In the Matter of Bernardo, Inc., a Corporation, Also Trading as Shirtales by Sherma, and Bernard Stone and Sherma Stone, Individually and as Officers of Said Corporation

Consent order requiring a Miami, Fla., manufacturer of ladies' sportswear to cease misbranding, falsely advertising, and deceptively guaranteeing its textile fiber products, and failing to maintain required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Bernardo, Inc., a corporation, also trading as Shirtales by Sherma, or by any other name or names, and its officers, and Bernard Stone and Sherma Stone, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber products, which have been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery,

transportation, or causing to be transported, after shipment in commerce of any textile fiber products, whether they are in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such textile fiber products showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representation, directly or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

C. Failing to maintain and preserve for at least 3 years proper records showing the fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That respondents Bernardo, Inc., a corporation, and its officers, and Bernard Stone and Sherma Stone, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced under the provisions of the Textile Fiber Identification Act.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the

creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 10, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-2669; Filed, Mar. 4, 1970;
8:46 a.m.]

[Docket No. C-1688]

PART 13—PROHIBITED TRADE PRACTICES

Epstein & Sherman, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Epstein & Sherman, Inc., et al., New York, N.Y., Docket C-1688, Feb. 10, 1970]

In the Matter of Epstein & Sherman, Inc., a Corporation, and Harry Epstein and Harry Sherman, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease falsely invoicing and misbranding its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Epstein & Sherman, Inc., a corporation, and its officers, and Harry Epstein and Harry Sherman, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur

which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing, directly or by implication on a label that the fur contained in such fur product is "color added" when such fur is dyed.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur or fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur or fur product is "color added," when such fur is dyed.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 10, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-2673; Filed, Mar. 4, 1970;
8:46 a.m.]

[Docket No. C-1684]

PART 13—PROHIBITED TRADE PRACTICES

Exelbert Fur Corp. et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties*: 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and*

statutory requirements: 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Exelbert Fur Corp. et al., New York, N.Y., Docket C-1684, Feb. 10, 1970]

In the Matter of Exelbert Fur Corp., a Corporation, Trading Under Its Own Name and as Jay Bert, and Harry Exelbert and Jerome Exelbert, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding, falsely invoicing, and deceptively guaranteeing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Exelbert Fur Corp., a corporation, trading under its own name and as Jay Bert or under any other name or names, and Harry Exelbert and Jerome Exelbert, individually and as officers, of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing, directly or by implication on a label that the fur contained in such fur product is "color added" when such fur is dyed.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur or fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur or fur product is "color added," when such fur is dyed.

It is further ordered, That respondents Exelbert Fur Corp., a corporation, trading under its own name and as Jay Bert or under any other name or names, and Harry Exelbert and Jerome Exelbert, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from fur-

nishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, advertised, or distributed in commerce.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 10, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-2671; Filed, Mar. 4, 1970; 8:46 a.m.]

[Docket No. 8275]

PART 13—PROHIBITED TRADE PRACTICES

Harry's Linoleum Co. et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Harry's Linoleum Co., et al., Cincinnati, Ohio, Docket No. 8275, Feb. 12, 1970]

In the Matter of Harry's Linoleum Co., a Corporation, Harry's Corner, Inc., an Ohio Corporation, Buckeye Linoleum and Wallpaper Headquarters, Inc., a Corporation, Harry's Corner, Inc., a Kentucky Corporation, Harco Distributing Corp., a Corporation, and Harry Goldstein, Individually and as an Officer of the Said Corporations

Order modifying an earlier order dated December 27, 1961, 27 F.R. 5497, which prohibited five affiliated retailers of carpeting from making deceptive pricing and other false representations, by adding a new paragraph 4 requiring respondents to cease failing to maintain adequate records by which the validity of its pricing claims might be established.

The modified order to cease and desist, is as follows:

It is ordered, That the stipulation between the parties, dated January 15, 1970, be, and it hereby is, accepted by the Commission.

It is further ordered, That the Commission's order of December 27, 1961, be,

and it hereby is, modified by adding thereto as paragraph 4 the following:

4. Failing to maintain adequate records which disclose the facts upon which representations as to former prices, comparative prices, and the usual and customary retail prices of merchandise, and as to savings afforded to purchasers, and similar representations of the type dealt with in paragraphs 1 (a) and (b), 2, and 3 of this order, are based, and from which the validity of any such claims can be established.

Issued: February 12, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-2676; Filed, Mar. 4, 1970; 8:47 a.m.]

[Docket No. C-1683]

PART 13—PROHIBITED TRADE PRACTICES

Miss Darbs Coat Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Miss Darbs Coat Co., Inc., et al., New York, N.Y., Docket C-1683, Feb. 10, 1970]

In the Matter of Miss Darbs Coat Co., Inc., a Corporation, Trading as Bonnie Styles and Bonnie Petite, and Aaron Levine, Also Known as Aaron Levin, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturer of ladies' coats to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Miss Darbs Coat Co., Inc., a corporation, trading as Bonnie Styles and Bonnie Petite or under any other name, and its officers, and Aaron Levine, also known as Aaron Levin, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth required information on labels attached to wool products consisting of two or more sections of different fiber content, in such a manner as to show the fiber content of each section in all instances where such marking is necessary to avoid deception.

4. Failing to set forth the fiber content of linings which are used in wool products, separately and distinctly as a part of the required information on the stamps, tags, labels or other marks of identification affixed to such wool products if such linings are metallically coated, or coated or laminated with any substance for warmth, or if such linings are composed of pile fabrics, or any fabric incorporated for warmth or represented directly or by implication as being incorporated for warmth.

5. Failing to set forth separately the fiber content of interlinings as part of the required information on stamps, tags, labels or other marks of identification on such garments.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 10, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-2670; Filed, Mar. 4, 1970;
8:46 a.m.]

[Docket No. C-1681]

PART 13—PROHIBITED TRADE PRACTICES

New Brunswick Pants Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfair-

ly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, New Brunswick Pants Co., Inc., et al., New York, N.Y., Docket C-1681, Feb. 10, 1970]

In the Matter of New Brunswick Pants Co., Inc., a Corporation, and Larry Davidman, Individually and as an Officer of Said Corporation, and Murray Davidman, Individually and as a Former Officer of Said Corporation

Consent order requiring a New York City manufacturer of boys' apparel to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents New Brunswick Pants Co., Inc., a corporation, and its officers, and Larry Davidman, individually and as an officer of said corporation, and Murray Davidman, individually and as a former officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Setting forth words and terms in required information under section 4(a)(2) of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to wool products.

4. Failing to affix labels to samples, swatches or specimens of wool products used to promote or effect the sales of wool products, showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 10, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-2672; Filed, Mar. 4, 1970;
8:46 a.m.]

[Docket No. C-1687]

PART 13—PROHIBITED TRADE PRACTICES

Samuel Braun Furs, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties*: 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 36 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Samuel Braun Furs, Inc., et al., New York, N.Y., Docket C-1687, Feb. 10, 1970]

In the Matter of Samuel Braun Furs, Inc., a Corporation, and Aaron Zwiebel, Mayer Pasternack, and Kurt Maurer, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding, falsely invoicing, and deceptively guaranteeing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Samuel Braun Furs, Inc., a corporation, and its officers, and Aaron Zwiebel, Mayer Pasternack, and Kurt Maurer, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as

[Docket No. C-1686]

PART 13—PROHIBITED TRADE PRACTICES**W. W. Distributors, Ltd., and William W. Robinson**

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear*. Subpart—Misbranding or mislabeling: § 13.1290 *Qualities or properties*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, W. W. Distributors, Limited, et al., Honolulu, Hawaii, Docket C-1686, Feb. 10, 1970]

In the Matter of W. W. Distributors, Ltd., a Corporation, and William W. Robinson, Individually and as an Officer of Said Corporation

Consent order requiring a Honolulu, Hawaii, importer and wholesaler of leis and other novelty items to cease marketing dangerously flammable products and labeling them as "flameproof."

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents W. W. Distributors, Ltd., a corporation, and its officers, and William W. Robinson, individually and as an officer of said corporation, and respondents' representatives, agents, employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric, product, or related material as the terms "commerce", "fabric", "product" and "related material" are defined in the Flammable Fabrics Act as amended, which fabric, product or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof and (3) any disposition of such product since August 18, 1969. Such report shall further inform the Commission whether respondents have in inventory any fabric, product, or related material having a plain surface and

made of silk, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or with a raised fiber surface and made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product, or related material with this report. Samples of the fabric, product or related material shall be of no less than 1 square yard of material.

It is further ordered, That respondents, W. W. Distributors, Ltd., a corporation, and its officers, and William W. Robinson, individually and as an officer of said corporation and respondents' representatives, agents, and employees through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of their products in commerce, as "commerce" is defined in Federal Trade Commission Act, do forthwith cease and desist from representing their products to be "flameproof" unless such is the fact.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: February 10, 1970.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-2674; Filed, Mar. 4, 1970; 8:46 a.m.]

[Docket No. C-1685]

PART 13—PROHIBITED TRADE PRACTICES**Mechel Wilkenfeld**

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Mechel Wilkenfeld, New York, N.Y., Docket No. C-1685, Feb. 10, 1970]

the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:
1. Representing, directly or by implication on a label that the fur contained in such fur product is "color added" when such fur is dyed.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Samuel Braun Furs, Inc., a corporation, and its officers, and Aaron Zwiebel, Mayer Pasternack, and Kurt Mauer, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 10, 1970.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-2675; Filed, Mar. 4, 1970; 8:47 a.m.]

In the Matter of Mechel Wilkenfeld, an Individual Trading as Mechel Wilkenfeld

Consent order requiring a New York City manufacturer and wholesaler of furs to cease falsely invoicing and misbranding its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Mechel Wilkenfeld, individually and trading as Mechel Wilkenfeld, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the introduction into commerce, or the transportation or distribution in commerce, of any fur, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe a fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Affixing to such fur product a label that does not comply with the minimum size requirements of 1¼ inches by 2¾ inches.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on a label affixed to such fur product.

5. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing any fur or fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and

the rules and regulations promulgated thereunder to describe such fur or fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on an invoice the item number or mark assigned to such fur product.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: February 10, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-2668; Filed, Mar. 4, 1970;
8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-5979]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegating Certain Functions to Certain Staff Officials

The Securities and Exchange Commission has further amended its rules under which certain functions of the Commission have been delegated to Directors of Divisions and certain other staff officials.

The latest amendment delegates to the Director of the Division of Corporate Regulation authority under certain conditions to certify to the Secretary of the Treasury, pursuant to section 851(e) of the Internal Revenue Code of 1954 (26 U.S.C. 851(e)), that applicant investment companies registered under the Investment Company Act of 1940 were, during a stated year, principally engaged in furnishing capital to certain development corporations described in that section.

The Commission hereby makes the following amendments to § 200.30-2 of Chapter II of Title 17 of the Code of Federal Regulations:

I. Present paragraph (g) is redesignated paragraph (h).

II. A new paragraph is inserted immediately after paragraph (f) of the section which reads as follows:

(g) To issue certifications to investment companies which are principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available, pursuant to section 851(e) of the Internal

Revenue Code of 1954 where applications from such companies do not present issues not previously settled by the Commission and do not require a hearing.

The Commission finds that the foregoing amendment involves matters of agency organization or procedure and that notice and procedure pursuant to 5 U.S.C. 553 are not required.

Accordingly, the foregoing action, which is taken pursuant to Public Law No. 87-592, 76 Stat. 394, and 26 U.S.C. 851, shall become effective February 17, 1970.

(Sec. 1, 76 Stat. 394, 15 U.S.C. 78d-1; sec. 851(e), 68A Stat. 270, as amended sec. 38, 72 Stat. 1638, 26 U.S.C. 851(e))

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FEBRUARY 17, 1970.

[F.R. Doc. 70-2690; Filed, Mar. 4, 1970;
8:48 a.m.]

[Release 33-5049, AS-115]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Certification of Financial Statements

There have recently been filed with the Commission a number of registration statements under the Securities Act of 1933 (the 1933 Act) which include accountants' opinions that are qualified as to matters of such significance to the registrant that there is serious question as to whether the certificate meets the requirements of Rule 2-02 of Regulation S-X (17 CFR 210.2-02).

The following is the pertinent part of an accountant's report as to the type of situation to which reference is made:

Substantial losses have been experienced during the past 4 years and 9 months and continuation of the business is dependent upon the company's attaining sufficiently profitable operations and/or additional capital to satisfy all of its liabilities as they become due.

In our opinion, subject to the company's ability to attain profitable operations and/or to successfully obtain additional capital, the accompanying financial statements * * *.

The Commission, of course, does not expect an accountant to express any opinion as to the future earnings of the registrant. However, where, as here, the financial statements are prepared on a "going concern" basis, while at the same time the accountant's opinion is so qualified as to indicate serious doubt as to whether or not the preparation of financial statements on that basis is warranted, then a significant question arises as to whether the financial statements are certified as required by Schedule A of the Securities Act of 1933 and the rules and regulations thereunder.

Rule 2-02(a) of Regulation S-X states that "The accountant's certificate shall state clearly: (i) The opinion of the accountant in respect of the financial statements covered by the certificate and the accounting principles and practices reflected therein * * *." In Accounting Series Release No. 90 (17 CFR Part 211; 27 F.R. 2312), the Commission reached a conclusion as to certification requirements as follows:

If, as a result of the examination and the conclusions reached, the accountant is not in a position to express an affirmative opinion as to the fairness of the presentation of earnings year by year, the registration statement is defective because the certificate does not meet the requirements of Rule 2-02 of Regulation S-X.

The problem is an important one. If the business will not continue and the proceeds of the present offering will simply be used to pay existing creditors, then the offering may be deceptive to the public. The Commission does not expect accountants to express opinions that are unwarranted in the circumstances. Indeed, if there is a question as to whether the business will continue, no amount of changing the accountant's certificate would appear to solve the underlying problem.

The Commission has concluded that a registration statement under the 1933 Act will be considered defective because the certificate does not meet the requirements of Rule 2-02 of Regulation S-X when the accountant qualifies his opinion because of doubt as to whether the company will continue as a going concern. The Commission does not intend to preclude companies with pressing financial problems from raising funds by public offerings of securities. It does, however, believe it clear that an accountant's report cannot meet the certification requirements of the 1933 Act unless the registrant can arrange its financial affairs so that the immediate threat to continuation as a going business is removed. The independent accountant must be satisfied that it is appropriate to use conventional principles and practices for stating the accounts on a going concern basis before a registration statement under the 1933 Act can be declared effective.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

FEBRUARY 19, 1970.

[F.R. Doc. 70-2689; Filed, Mar. 4, 1970;
8:48 a.m.]

[Release No. 33-5046]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Use of Summary Prospectuses in Connection With Registration of Certain Securities To Be Offered for Cash

Section 10(b) of the Securities Act of 1933 authorizes the Commission to pro-

vide for use of a summary prospectus which may be readily transmitted through the mail or published in certain periodicals. It is intended to enable an issuer or underwriter to secure indications of interest prior to furnishing the complete prospectus. However, a copy of the complete prospectus must be furnished upon the consummation of any sale of the securities.

Rule 434A (17 CFR 230.434a) provides for the use of summary prospectuses if the form used for registration of the securities to be offered provides for the use of such a prospectus and if the registrant files reports with the Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 or meets certain other conditions specified in the rule. Since Form S-7 (17 CFR 239.26) has not heretofore contained instructions permitting the use of summary prospectuses, the Commission has amended the form to add instructions permitting the use of such prospectuses.

The new instructions relating to the use of summary prospectuses for securities registered on Form S-7 are to be inserted at the end of the form following the Instructions as to Exhibits.

Copies of Release 33-5046 containing the text of such amendment to Form S-7 have been filed with the Office of the Federal Register, and may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549.

Inasmuch as the foregoing instructions permit, but do not require, the use of summary prospectuses, the Commission finds that notice and procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553) are not necessary and that such instructions may be made effective immediately upon publication. Accordingly, the foregoing action shall be effective February 12, 1970.

(Secs. 6, 7, 10, 19(a), 48 Stat., 81, 85; secs. 205, 209, 43 Stat. 906, 908; sec. 8, 68 Stat. 685; 15 U.S.C. 77f, 77g, 77j, 77s(a))

By the Commission, February 12, 1970.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 70-2693; Filed, Mar. 4, 1970;
8:48 a.m.]

[Release No. 34-8825]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Broker-Dealer Form

On May 8, 1969, in Securities Exchange Act Release No. 8601 (34 F.R. 7662), the Commission published a proposal to amend Note 2 to Question 4 of Form X-17A-5 (17 CFR 249.617) to require that the separate list of securities transactions in the "Securities failed to deliver" account outstanding 30 days or longer be classified in accordance with the period such transactions have been outstanding. In order to conform the reporting requirements of the note to a recent

amendment of Rule 15c3-1¹ (17 CFR 240.15c3-1) (the net capital rule) providing for certain specified deductions on outstanding deductions on outstanding items in the failed to deliver account, it was proposed that the transactions be classified according to the length of time that they have been outstanding: 30 to 39 calendar days; 40 to 49 calendar days; 50 to 59 calendar days; and 60 or more calendar days. Form X-17A-5 specifies certain financial information required to be filed as of a date within each calendar year by members of national securities exchanges and certain other brokers and dealers.

Comments which have been received did not object to the proposal but raised a question as to the need for the detailed listings of money balance and security valuation of each security transaction outstanding 30 days or longer included in the total reported as securities failed to deliver and securities failed to receive under Questions 4.B. and 4.D., respectively, of Form X-17A-5. The comments stated that the requirement for detailed listings imposed a substantial burden of preparation and that the information was of minimal value.

After consideration of the comments received, the Commission has decided to eliminate the requirement for detailed listing of failed transactions outstanding 30 days or longer and to adopt the proposed amendment of Note 2 in a modified form. Note 2 as revised requires that the total money balance and security valuation of security transactions outstanding 30 days or longer included in Question 4.B., Securities failed to deliver, and Question 4.D., Securities failed to receive, be reported separately or in a note and that the amounts reported as securities failed to deliver be classified in accordance with the periods that they have been outstanding.

Statutory basis. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17(a) and 23(a) (15 U.S.C. 78q(a), 78w(a)) thereof, and deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby amends Note 2 to Question 4 of Form X-17A-5,² effective February 20, 1970.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

FEBRUARY 20, 1970.

[F.R. Doc. 70-2688; Filed, Mar. 4, 1970;
8:48 a.m.]

¹ Securities Exchange Act Release No. 8508 (34 F.R. 1587), Jan. 30, 1969.

² The amendment to Form X-17A-5 has been filed with the Office of the Federal Register, and copies of Release No. 34-8825 which contain such amendment may be obtained from the headquarters offices of the Securities and Exchange Commission, Washington, D.C. 20549, or from any of its regional offices.

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Title 32, Chapter V, Subchapter G, is amended as follows:

PART 591—GENERAL PROVISIONS

1. Sections 591.108 and 591.109-51 are amended; § 591.113-1 is revised; and § 591.150 is amended, as follows:

§ 591.108 Departmental procurement instructions and ASPR and APP implementations.

(a) Heads of procuring activities, their subordinate commands or purchasing offices shall not issue instructions or implementations of ASPR and APP to amplify, clarify, or interpret the contents of ASPR and APP. Whenever improvements in coverage of ASPR or APP are deemed necessary, proposed amendments thereto shall be forwarded in accordance with § 1.105 of this title.

(b) Heads of procuring activities may publish implementations of ASPR and APP only to the extent that:

(1) ASPR or APP paragraphs require implementation at head of procuring activity level by the wording therein;

(2) Implementation is essential to performance of the assigned procurement mission and meets the criteria in § 1.108 (a) and (b) of this title;

(3) Implementations are identified as procurement instructions and are numbered in the 715 series;

(4) Section, part, and paragraph numbers are keyed to the ASPR or APP section, part, or paragraph being implemented; and

(5) Sections, parts and paragraphs of ASPR or APP shall not be cited when there is no implementation thereof.

(c) Heads of procuring activities may publish procurement instructions of a temporary nature in circulars numbered in the 715 series, provided the instructions meet the criteria in § 1.108 (a) and (b) of this title. Each circular shall indicate the date upon which it shall expire.

(d) Implementations and instructions referenced in (b) and (c) of this section are official publications of Department of the Army activities and shall be authenticated in accordance with instructions in AR 310-1.

§ 591.109-51 Control of deviations.

One register listing all deviations approved within a procuring activity shall be maintained by the approving authority. Each deviation granted shall be recorded therein by title and shall be assigned a deviation control number which shall include the last two numbers of the fiscal year, the approved letter symbol of the approving authority, and an action serial number; e.g. 69-ENG-1. This control number shall also be embodied in the document authorizing the deviation in the following manner: "This deviation has been assigned control number [enter number]. All actions

taken pursuant to this deviation shall cite the control number assigned."

§ 591.113-1 Government personnel.

(a) Government personnel directly or indirectly concerned with any phase of procurement or related activities shall—

(1) Read AR 600-50;

(2) Sign a statement that the regulation has been read and is understood, indicating the date upon which it was read; and

(3) Review the regulation at least semiannually, annotating the date of review on the signed statement or signing a supplemental statement at the time of review.

The statements shall be retained in the files of the office in which the individual is assigned and shall be subject to inspection at all times.

(b) Government personnel in procurement or related activities include, but are not limited to, those who—

(1) Determine requirements and prepare descriptions of supplies or services to be purchased;

(2) Determine technical requirements and prepare specifications and drawings pertinent thereto;

(3) Determine government estimates of cost;

(4) Select and solicit sources of supply;

(5) Conduct preaward surveys, evaluate, appraise, select or approve contractors, subcontractors, and contractor or subcontractor facilities;

(6) Determine reasonableness of prices;

(7) Issue service orders, task orders, purchase orders, delivery orders, calls against blanket purchase agreements and indefinite delivery type contracts, orders using imprest funds, and modifications to contractual documents;

(8) Are involved in purchasing, renting, leasing, or otherwise obtaining supplies or services from, and disposing or selling supplies to, nongovernment entities;

(9) Prepare and award contracts and grants;

(10) Administer or monitor contracts and grants;

(11) Are involved in any aspect of quality control and quality assurance, inspection and acceptance; and

(12) Perform audits or are involved in the development of policies and procedures for performing audits, including the authorization and monitoring of grants to institutions or other non-Federal enterprises.

§ 591.150 Procurement channels and mailing addresses.

(a) Unless otherwise specifically prescribed, submittals to higher authority of recommendations, reports, findings, data, information, and other documents shall be through procurement channels as indicated in (e) of this section.

(b) Addressees which are frequently referred to in APP are set forth below. The addressee in subparagraph (9) of this paragraph receives Army documents required to be distributed to and retained by the General Accounting Office.

(1) Assistant Secretary of the Army (Installations and Logistics), Department of the Army, Washington, D.C. 20310.

(2) Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General), Attention: JAGL, Department of the Army, Washington, D.C. 20310.

(3) Chairman, Armed Services Board of Contract Appeals, Office of the Assistant Secretary of Defense (Installations and Logistics), 3110 Columbia Pike, Arlington, Va. 22204.

(4) Chief Trial Attorney, Office of The Judge Advocate General, Department of the Army, Washington, D.C. 20310.

(5) Comptroller of the Army, Attention: Chief, Contract Financing Office, Department of the Army, Washington, D.C. 20310.

(6) Director of Procurement Policy and Review, Office of the Assistant Secretary of the Army (Installations and Logistics), Department of the Army, Washington, D.C. 20310.

(7) Director of Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics), Department of the Army, Washington, D.C. 20310.

(8) Office of Contract Adjustments, Office of the Assistant Secretary of the Army (Installations and Logistics), Department of the Army, Washington, D.C. 20310.

(9) Commanding General, Finance Center, U.S. Army, Attention: Processing and Disposition Branch, Retained Accounts Division, Fort Benjamin Harrison, Indianapolis, Ind. 46249.

(10) Commanding General, Finance Center, U.S. Army, Attention: FINCY, Fort Benjamin Harrison, Indianapolis, Ind. 46249.

(11) Director of Procurement and Production, Headquarters U.S. Army Materiel Command, Washington, D.C. 20315.

(12) Office of the General Counsel, Headquarters U.S. Army Materiel Command, Washington, D.C. 20315.

(c) Unless ASPR or APP specifies otherwise, all documents addressed to the addressees in (b) (1) through (8) of this section shall be prepared for signature in accordance with AR 340-15 and shall be signed by the head of procuring activity, his deputy, or a principal assistant responsible for procurement when the documents relate to—

(1) Requests for deviations from ASPR or APP,

(2) Requests for approval of awards or determinations and findings,

(3) GAO and other type investigative reports,

(4) Actions under Public Law 85-804, and

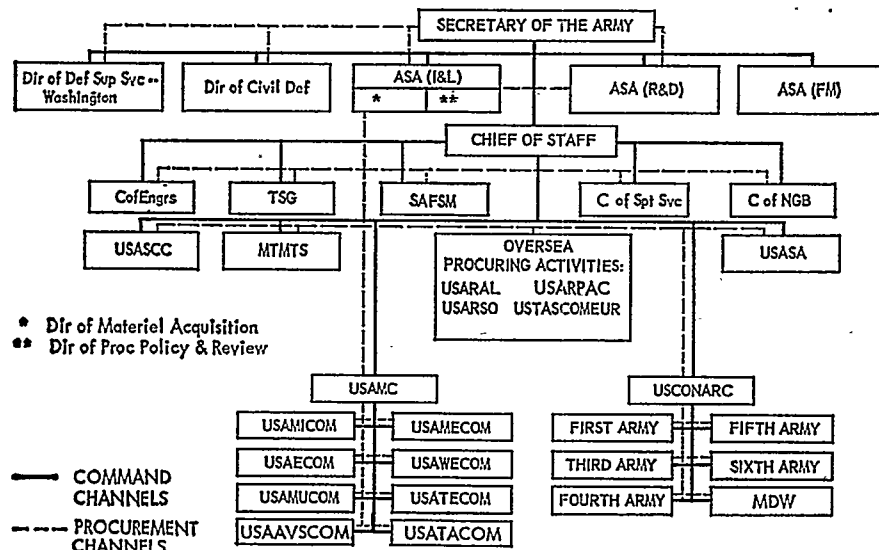
(5) Other significant actions and matters relating to major procurement policy.

(d) Unless otherwise specifically prescribed in APP, Heads of Procuring Activities subordinate to Headquarters, U.S. Army Materiel Command or U.S. Continental Army Command, shall forward documents (see paragraph (a) of this section) through the cognizant

Headquarters. In such cases Headquarters, U.S. Army Materiel Command or U.S. Continental Army Command, as appropriate, shall take necessary action or shall forward the matter to the addressee indicated, as may be applicable. Whenever recommendations are required

in connection with an action, Headquarters, U.S. Army Materiel Command or U.S. Continental Army Command, as appropriate, shall add its recommendations in the matter.

(e) *Flow of procurement authority.*



2. Section 591.310 is amended; §§ 591.322, 591.322-6, and 591.322-7, are added; and § 591.350-5 is revised, as follows:

§ 591.310 Liquidated damages.

Whenever a contracting officer uses a liquidated damages provision in a contract, he shall document the contract file to show the reasons necessitating its use.

§ 591.322 Multiyear procurement.

§ 591.322-6 Multiyear procurement of services.

Requests for determinations and findings required to be made by the Assistant Secretary of the Army (Installations and Logistics) shall be forwarded through the cognizant head of procuring activity (see § 591.150(d)) to the addressee in § 591.150(b) (7).

§ 591.322-7 Procedures for service contracts.

Requests for determinations and findings required to be made by the Assistant Secretary of the Army (Installations and Logistics) shall be forwarded through the cognizant head of procuring activity (see § 591.150(d)) to the addressee in § 591.150(b) (7).

§ 591.350-5 Extensions beyond fourth.

Extensions of a basic contract beyond the fourth shall be made only with advance written approval of—

(1) The Director of Procurement and Production, U.S. Army Materiel Command, for procuring activities of that command;

(2) The SAFEGUARD System Manager [SAFSM] for the SAFEGUARD System Organization; or

(3) The Director of Procurement Policy and Review, Office of the Assistant

Secretary of the Army (Installations and Logistics) for all other procuring activities.

3. Section 591.405 is revised and § 591.450-2 is amended, as follows:

§ 591.405 Selection, appointment, and termination of appointment of contracting officers.

(a) In addition to the individuals named in § 1-405 of this title, the following individuals, or the designees of the individuals in subparagraph (1), (2), or (3) of this paragraph may select, appoint, and terminate the appointment of contracting officers:

(1) The Under Secretary of the Army;

(2) The Assistant Secretary of the Army (Installations and Logistics);

(3) The Director of Procurement Policy and Review, Office of the Assistant Secretary of the Army (Installations and Logistics);

(4) The Head of Procuring Activity, his deputy, or principal assistant responsible for procurement;

(5) An attaché;

(6) A chief of foreign mission (Army);

(7) A chief of a Department of the Army element of a joint military mission not operating under the cognizance of a major overseas command; and

(8) The Superintendent, U.S. Military Academy.

(b) The individuals named in paragraph (a) (4) through (8) of this section shall exercise this authority without power of redelegation, except that individuals named in paragraph (a) (4) of this section may redelegate to contracting officers they appoint the authority to appoint ordering officers (see § 591.452). Such redelegation shall be made by entry on contracting officers' Certificates of Appointment, DD Forms 1539.

(c) The number of contracting officers appointed in any purchasing office shall be kept to the minimum essential for efficient operation.

§ 591.450-2 Boards of awards.

(a) Heads of procuring activities shall establish, or authorize installation/activity commanders to establish, Boards of Awards for the purpose of reviewing proposed awards of contracts and modifications in amounts of \$10,000 or more (see § 591.403-52). The appointing authority shall appoint the members of Boards of Awards and shall designate a chairman and alternate chairman.

(b) Boards of Awards shall be composed of qualified procurement, legal, production, technical, and contract pricing representatives to the extent required and available.

(c) A contracting officer who is a member of a Board of Awards may participate in its proceedings on proposed contracts and modifications for which he is the contracting officer but may not participate in its findings and recommendations.

(d) Summaries of meetings of Boards of Awards shall be prepared and a copy placed in appropriate contract files. Summaries shall indicate personnel present, salient issues discussed and their resolution, and recommendations of the Board to the contracting officer.

4. Sections 591.704-3, 591.705-4, 591.751-3, and 591.751-4 are amended, as follows:

§ 591.704-3 Small business specialists.

(a) Within the Department of the Army the Small Business Program and the Labor Surplus Area Program are administered jointly. Because of the dual administration of these programs, individuals appointed pursuant to § 1.704-3 of this title shall be identified as Small Business and Economic Utilization Advisors and shall be responsible for performing the duties and functions required of both programs.

(b) Only individuals who possess business acumen, knowledge of Army procurement policies and procedures, and the training and background to accomplish the objectives of the Small Business and Labor Surplus Area Programs effectively shall be considered for appointment as Small Business and Economic Utilization Advisors.

(c) When the duty of a Small Business and Economic Utilization Advisor is on a part-time basis, the appointment orders shall clearly indicate that the assignment of this additional duty in no way relieves the individual from full responsibility for effectively accomplishing the Small Business and Labor Surplus Area Program requirements.

§ 591.705-4 Certificates of competency.

Documents required to be forwarded to the Assistant Secretary of the Army (Installations and Logistics) shall be forwarded to the addressee in § 591.150(b) (7) (see § 591.150(d)).

§ 591.751-3 Review after preparation.

(a) Each DA Form 1877 shall be reviewed within procurement channels at

a level higher than the contracting officer to insure full compliance with the objectives of the Small Business and Labor Surplus Area Programs.

(b) Whenever the contracting officer and the Small Business and Economic Utilization Advisor (or, when the contracting officer also functions as the Small Business and Economic Utilization Advisor, the contracting officer and the individual at a level higher than the contracting officer who reviews the DA Form 1877) are not in agreement and cannot reach an agreement, the DA Form 1877 shall be forwarded to the cognizant head of procuring activity for review and decision at that level. If an issue cannot be resolved at head of procuring activity level, the DA Form 1877 shall be forwarded to the addressee in § 591.150(b) (7) for resolution (see § 591.150(d)).

§ 591.751-4 Due date and distribution.

(a) DA Forms 1877 shall be prepared with sufficient leadtime to permit review as prescribed in § 591.751-3 10 working days before issuance of the solicitation.

(b) For proposed procurements having an estimated cost of more than \$300,000, one copy of DA Form 1877 together with any appropriate attachments shall be forwarded direct to the addressee in § 591.150(b) (7), Attention: Army Small Business and Economic Utilization Policy Advisor. Concurrent distribution shall be made to intermediate commands. Letters of transmittal are not required. The original DA Form 1877 shall become a part of the contract file.

(c) At the time of an award of a contract of more than \$10,000 for which a DD Form 350 (§ 21.102 of this title) is required, a copy of the relevant DA Form 1877 shall be attached to a copy of the DD Form 350 and furnished the installation/activity Small Business and Economic Utilization Advisor. For contracts of more than \$300,000, one copy of the DA Form 1877 attached to the DD Form 350 shall be forwarded direct to the addressee in § 591.150(b), Attention: Army Small Business and Economic Utilization Policy Advisor.

(d) Distribution and use of additional copies of DA Forms 1877 shall be as prescribed by heads of procuring activities.

5. Section 591.908 is added, as follows:

§ 591.908 Contractor performance evaluation.

(a) AR 715-16 prescribes Department of the Army procedures and responsibilities pertinent to Contractor Performance Evaluation.

(b) One copy of local supplementation of AR 715-16 shall be forwarded at time of issuance to the addressee in § 591.150(b) (6) in addition to the distribution prescribed in the AR.

6. Section 591.1002-6 is amended; §§ 591.1006 and 591.1006-1 are added; §§ 591.1050, 591.1050-1, and 591.1050-3 are amended, as follows:

§ 591.1002-6 Paid advertisements in newspapers and trade journals.

(a) The Assistant Secretary of the Army (Installations and Logistics) has delegated to heads of procuring activi-

ties, their deputies and principal assistants responsible for procurement, and to certain other delegates, the authority to approve the publication of paid advertisements in newspapers (see § 591.5105).

(b) Policies with respect to use of paid advertising in recruitment of civilian personnel are contained in Subchapter 1, Federal Personnel Manual [FPM] 332 and are implemented in Department of the Army Civilian Personnel Regulation [CPR] 332, Subchapter 1.

§ 591.1006 Release of procurement information.

§ 591.1006-1 Members of Congress.

(a) Information prepared in response to a specific congressional inquiry, and not being concurrently produced for other purposes, shall not be disclosed prior to actual delivery of the information to the Member of Congress or his representative. When the conditions in § 1.1006-1(a) of this title exist, contracting officers shall forward the proposed reply, with full documentation, to the addressee in § 591.150(b) (6) (see § 591.150(d)) and shall make an interim reply to the Member of Congress indicating the action being taken.

(b) Exact copies of responses to congressional inquiries shall not be furnished to the news media or the public without the prior approval of the Chief of Legislative Liaison, Department of the Army, obtained through the addressee in § 591.150(b) (6).

(c) The substance of replies to Members and Committees of Congress may be made available to the news media or the public in appropriate cases, after coordination with the Chief of Legislative Liaison, Department of the Army, through the addressee in § 591.150(b) (6).

(d) Disclosure of information contained in transcripts of hearings in executive session is prohibited until released by the chairman of the committee or subcommittee concerned.

§ 591.1050 Congressional notification of proposed awards.

(a) The report required by this paragraph pertains to:

(1) Advance information on proposed contract awards in amounts of \$1 million or more, and

(2) Postaward information on contracts under \$1 million which are of significant local community or congressional interest or which have public relations aspects.

(b) Each purchasing office in the United States, including Alaska and Hawaii, shall report in accordance with instructions herein.

(c) Awards to the Canadian Commercial Corporation are exempt from this reporting requirement.

§ 591.1050-1 Proposed contract awards of \$1 million or more.

(a) This reporting requirement applies to:

(1) All contracts of \$1 million or more, including:

(i) Letter contracts when the amount being obligated at the time of letter con-

tract award or definitization is \$1 million or more, and

(ii) Work placed by means of an approved project or expenditure order in a Government-owned installation or activity when the amount of the project or expenditure order is \$1 million or more;

(2) Modifications to existing contracts when the amount being obligated is \$1 million or more and the scope of the work to be performed is increased, e.g., additional quantities being added, engineering changes which require additional future work to be performed; and

(3) Multiyear procurements when the total multiyear amount will be \$1 million or more—

(i) An initial notification shall be made when the aggregate amount of the contract is \$1 million or more even though the first year increment may be less than \$1 million;

(ii) The quantities and monetary amounts related to the several fiscal years involved shall be included in the initial notification;

(iii) Notifications of subsequent yearly increments shall be related to previous notifications and shall include pertinent total information for the previous, current, and future fiscal year quantities and monetary amounts; and

(iv) Notifications of increments subsequent to the initial notification shall be made only if the current increment is \$1 million or more.

(4) Incrementally funded procurements (other than multiyear) when the total amount of the contract will be \$1 million or more:

(i) An initial notification shall be made when the aggregate amount of the contract is \$1 million or more even though the first increment may be less than \$1 million;

(ii) The aggregate amount of the contract and the amount of the current obligation shall be included in the initial notification; and

(iii) Notifications of increments subsequent to the initial notification shall be made only if the scope of work to be performed is increased and the current increment is \$1 million or more.

(b) Contracting officers shall telephone the information in the sequence in § 591.1050-3 of this subpart to the Chief, Procurement Statistics Office, Data Processing Center, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. at OXford 5-3032, OXford 7-2016, or OXford 5-3058, at least twenty (20) working hours before award (based on an 8-hour day, exclusive of Saturdays, Sundays, and Federal legal holidays), except that:

(1) Purchasing offices under the jurisdiction of U.S. Army Materiel Command shall report through Headquarters, U.S. Army Materiel Command; and

(2) Purchasing offices under the jurisdiction of the U.S. Army Corps of Engineers shall report through the Chief of Engineers.

(c) No award shall be made before 1600 hours Washington, D.C. time without prior approval obtained through the ODCSLOG Procurement Statistics Office (see paragraph (b) of this section).

(d) National or local releases to the wire services or to contractors shall not be made prior to the established award time even on a "hold for release time" basis. Time of release of replies to congressional inquiries pertaining to the award of proposed contracts which have been received directly by addressees shall be coordinated with the Office, Chief of Legislative Liaison, Department of the Army, before dispatch.

§ 591.1050-3 Required information.

Information required to be furnished pursuant to §§ 591.1050-1 and 591.1050-2 shall consist of:

(a) Statement as to whether the procurement is or is not in support of Southeast Asia;

(b) Name and address of purchasing office;

(c) Statement as to whether a contract or modification of a contract is to be awarded; or, in the case of contracts under \$1 million, has been awarded;

(d) Statement as to whether the contract is a letter contract or definitization of a letter contract, when applicable;

(e) Monetary amount and type of funds used (when multiple funds are involved, the monetary amount for each type shall be given, e.g. PEMA \$1,200,000; OMA \$100,000);

(f) Statement as to whether the contractor is a small or large business;

(g) Name and complete address of contractor, including ZIP code;

(h) Date and Washington, D.C., time award will be made; or, in the case of contracts under \$1 million, date and Washington, D.C., time award was made (for the purpose of this report, the date of award for letter contracts shall be the mailing date to the contractor plus 1 working day);

(i) Quantity and description of supplies or services;

(1) The description shall be in adequate detail and shall include the end use or background of the supplies or services described in layman's terminology so that the purpose may be readily understood by persons not associated with the military;

(2) The description shall be presented in news media press release format giving sufficient background information to describe the procurement properly; and

(3) If the award is for a classified item, that fact shall be stated and no further description given;

(j) Statement as to who will perform the work, the contractor or a firm other than the contractor (if the latter, give name and complete address including ZIP code);

(k) Location where work will be performed;

(1) If the work is to be performed at more than one location, list the names and complete addresses of all plants or contractors together with the monetary amount or percentage of work involved at each location; and

(2) If for any reason the location where work is to be performed is changed, prior to or after award but after the required initial information has been reported, the change in location or loca-

tions of work performance shall be telephoned or reported by the most expeditious means to the appropriate addressee in § 591.1050-1 or § 591.1050-2, giving the reasons for the change in location or locations of work performance and the monetary amount or percentage of work involved at each location;

(l) Statement as to whether the place of performance is or is not in a labor surplus area;

(m) Extent of competition (this shall normally consist of the number of solicitations mailed and the number of offers received; sole source; in-house or directed procurement; and other items as may be pertinent); if the reported award is a modification, state the competitive status recorded for the initial award;

(n) Type of contract used;

(o) Contract number; and

(p) Total contract amount if the reported award is a modification.

7. Section 591.5102 is revised and a new delegation for subparagraph (12) is added, as follows:

§ 591.5102 Delegations of authority.

(a) The delegations of authority reproduced herein shall remain in effect until such time as they are superseded or revoked.

(b) The following delegations of authority are reproduced—

(1) SAOAS-68-1—Delegation of Authority To Approve the Publication of Advertisements, Notices or Proposals.

(2) SAOAS-67-2—Delegation of Authority To Lease Quarters.

(3) SAOAS-67-4—Delegation of Authority To Settle Patents and Technical Information Claims.

(4) SAOAS-67-6—Delegation of Authority To Lease Personal Property.

(5) SAOAS-67-7—Delegation of Authority To Contract for Public Utility Services (Power, Gas, Water, and Communications) for Periods Not Exceeding 10 Years.

(6) SAOAS-67-8—Delegation of Authority To Deny Requests for Contractual Adjustment, To Approve Requests in Mistake and Informal Commitment Cases Not in Excess of \$50,000, and To Refer Requests to the Army Contract Adjustment Board.

(7) SAOAS-67-10—Delegation of Authority To Sell Government Property to Construction Contractors in Canada, Greenland, Iceland, the Azores, Johnston Island, and the Trust Territory of the Pacific Islands.

(8) SAOAS-67-14—Delegation of Authority To Procure Alcohol Free of Tax and Specially Denatured Alcohol.

(9) SAOAS-67-16—Delegation of Priorities and Allocations Authority: DO Ratings and Allotments.

(10) SAOAS-67-17—Delegation of Priorities and Allocations Authority: DX Ratings and Allotments.

(11) SAOAS-67-18—Delegation of Priorities and Allocations Authority: Rescheduling of Deliveries.

(12) SAOAS-69-19—Delegation of Authority on Labor Relations Matters, Military Functions.

(13) SAOAS-68-20—Delegation of Authority To Certify as Just and Reason-

able Indemnification Claims Not Exceeding \$50,000.

SAOSA-69-19

JUNE 27, 1969.

DELEGATION OF AUTHORITY ON LABOR RELATIONS MATTERS, MILITARY FUNCTIONS

1. Under Part 5, Subtitle A, Title 29, Code of Federal Regulations, and paragraphs 18-704.2(a)(5) and 18-704.16, Armed Services Procurement Regulation, I hereby delegate to the Chief of Engineers:

a. Authority to submit a written request to the Solicitor of Labor for an extension of the expiration date of a wage determination when, due to unavoidable circumstances, a wage determination expires after bid opening but before award and upon the delegee finding that an extension is in the public interest to prevent injustice, undue hardship, or serious impairment of the conduct of Government business.

b. Authority to recommend to the Solicitor of Labor that liquidated damages in excess of \$100 be waived or adjusted upon the delegee finding that such liquidated damages administratively determined to be due the Government under section 104(a) of the Contract Work Hours Standards Act are incorrect or that the violation by the contractor or subcontractor of the Contract Work Hours Standards Act was nonwillful or inadvertent and occurred notwithstanding the exercise of due care by the contractor or subcontractor.

c. Authority to waive or adjust liquidated damages of \$100 or less upon the delegee finding that such liquidated damages administratively determined to be due the Government under section 104(a) of the Contract Work Hours Standards Act are incorrect or that the violation by the contractor or subcontractor of the Contract Work Hours Standards Act was nonwillful or inadvertent and occurred notwithstanding the exercise of due care by the contractor or subcontractor.

2. The Chief of Engineers may redelegate the authority in a. and b. above to a designee at a level no lower than the head of procuring activity and may redelegate the authority in c. above to a designee at a level no lower than a District Engineer.

3. The foregoing delegation of authority becomes effective on August 1, 1969, and, as of that date, Delegation of Authority on Labor Relations Matters, Military Functions, SAOAS-67-19, August 16, 1967, is superseded without prejudice to any action taken pursuant thereto.

J. RONALD FOX,
Assistant Secretary of the Army
(Installations and Logistics).

PART 592—PROCUREMENT BY FORMAL ADVERTISING

8. Section 592.407-9 is revised, as follows:

§ 592.407-9 Protests against award.

(a) When a protest is received prior to award of a contract, the contracting officer shall attempt to resolve the issue, except when:

(1) He considers it desirable to submit the protest to a higher authority for resolution,

(2) He considers it desirable to obtain the opinion of the Comptroller General before award, or

(3) The person making the protest indicates that he intends to carry the protest to a higher authority.

(b) Protest cases submitted to higher authority for resolution shall be fully documented and shall include:

(1) A signed statement from the person making the protest setting forth the facts upon which his protest is based, together with any supporting evidence;

(2) A signed statement, when relevant, from other persons or bidders affected by or involved in the protest setting forth the facts with respect to their position in the matter, together with any supporting evidence;

(3) A copy of the bid submitted by the protesting bidder and a copy of the bid of the bidder who is being considered for award, if relevant to the protest;

(4) A copy of the solicitation including pertinent specifications, if relevant to the protest;

(5) A copy of the abstract of bids;

(6) Any other documents relevant to the protest; and

(7) A statement signed by the contracting officer setting forth:

(i) His findings on each allegation made in the protest;

(ii) Actions taken to resolve the protest and results;

(iii) Any additional information and evidence relevant to determining the validity of the protest; and

(iv) His recommendations in the matter.

(c) Cases under paragraph (a) (1) of this section shall be referred, in turn, to the next higher level of authority for resolution. Each referral shall be accompanied by an explanation why the matter cannot be resolved at the lower level.

(d) Cases under paragraph (a) (2) of this section shall be processed as follows:

(1) Those cases emanating in purchasing offices under the jurisdiction of Headquarters, U.S. Army Materiel Command, shall be forwarded through the cognizant Head of Procuring Activity to the addressee in § 591.150(b) (12) of this chapter. Each intervening level of authority shall add its recommendations in the matter. Headquarters, U.S. Army Materiel Command, shall forward protests directly to the Comptroller General;

(2) Those cases emanating in purchasing offices under the jurisdiction of the Chief of Engineers shall be forwarded to the Chief of Engineers, Attention: ENGGC-M, Department of the Army, Washington, D.C. 20315. The Chief of Engineers shall in turn forward protests directly to the Comptroller General;

(3) Headquarters, U.S. Army Materiel Command, and the Chief of Engineers shall forward a copy of each transmittal letter, the contracting officer's administrative report, and the legal analysis and opinion of the issues (when appropriate) relative to each protest forwarded directly to the Comptroller General to the addressee in § 591.150(b) (7) of this chapter;

(4) Those cases emanating in purchasing offices other than those enumerated in subparagraphs (1) and (2) of this paragraph shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b) (7) (see

§ 591.150(d) of this chapter). Each intervening level of authority through which the protest is forwarded shall add its recommendations in the matter.

(e) Cases under paragraph (a) (3) of this section shall be referred for necessary action to the level of authority designated by the protestor. Such cases shall be forwarded through procurement channels.

(f) When a contracting officer makes an award pursuant to § 2.407-9(b) (3) of this title, he shall furnish copies of his decision to award to:

(1) The cognizant head of procuring activity, and

(2) The authority to which the person making the protest had indicated that he intended to carry the protest, if applicable.

(g) When a contracting officer forwards a protest received prior to award to a higher authority for resolution, he shall withhold the award pending instructions from the authority to which the protest was forwarded for resolution.

(h) When a protest is filed directly with the Comptroller General, the cognizant head of procuring activity shall be notified by the Director of Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics). The head of procuring activity shall in turn notify the contracting officer concerned and the contracting officer shall promptly forward the information prescribed in paragraph (b) of this section together with any other documentation specifically requested by the Comptroller General. Cases shall be forwarded in accordance with paragraph (d) (1), (2), or (4) of this section. Award of contract shall be withheld pending instructions from the Comptroller General as provided in § 2.407-9(b) (2) of this title.

(i) Because of the sensitivity of many protests filed with the Comptroller General, no award will be made under the provisions of § 2.407-9(b) (2) of this title without prior approval of the Director of Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics). Furthermore, unless otherwise authorized by the Director of Materiel Acquisition, all informal contacts with the Comptroller General shall be made by the Office of the Assistant Secretary of the Army (Installations and Logistics). Such contacts include advising the Comptroller General in appropriate cases of the intent of the Department of the Army to make an award prior to the resolution of the protest.

(j) When a protest is received after award of a contract, the following actions shall be taken:

(1) The contracting officer shall immediately notify the cognizant head of procuring activity of the nature of the protest;

(2) Where it reasonably appears that the award of the contract may be held to be invalid and a delay in receiving supplies or services covered by the contract is not prejudicial to the Government's interest, the contracting officer

shall, subject to such instructions as the head of procuring activity deems appropriate, seek a mutual agreement with the contractor to "stop work" on a no cost basis;

(3) If the contractor refuses to enter into such a mutual "stop work" agreement, the head of procuring activity may direct the contracting officer in writing to issue a "stop work" order, unless the head of procuring activity determines that receipt of the supplies or services is so urgent that a "stop work" order would be prejudicial to the Government's interest;

(4) When a head of procuring activity considers that guidance from higher authority is necessary, the matter of withholding contract performance shall be submitted to the next higher level of authority.

(5) The contracting officer shall take no action pending receipt of advice from the appropriate level of higher authority.

PART 593—PROCUREMENT BY NEGOTIATION

9. Sections 593.408-50 and 593.408-52 are revised, as follows:

§ 593.408-50 Letter contracts awarded, definitized, and outstanding.

(a) Heads of procuring activities who award letter contracts shall prepare and submit quarterly reports on Letter Contracts Awarded, Definitized, and Outstanding, Reports Control Symbol DD-I&L(Q)-679, in the format in § 593.408-51 this chapter. Reports shall be signed by an individual named in § 591.150(c) of this chapter and submitted in duplicate to the addressee in § 591.150(b) (7) within 25 calendar days after the close of each quarter year. Negative reports are not required.

(b) Heads of procuring activities subordinate to Headquarters, U.S. Army Materiel Command or U.S. Continental Army Command shall submit their reports to the appropriate Headquarters which shall consolidate the report for submission to the addressee in § 591.150(b) (7) of this chapter.

(c) For reporting purposes a letter contract consists of a basic letter contract with all amendments and shall be reported as a single letter contract. The total obligated dollar value of the basic letter contract combined with the obligated dollar value of all amendments shall be included. Letter contracts and amendments designated as supplemental agreements to definitive contracts shall be considered as a letter contract and shall be reported as such.

(d) The dollar amounts to be reported shall be obligated amounts prior to definitization. Definitization shall be considered complete when a definitized contract is signed by Government and contractor representatives.

(e) In addition to the quarterly reports from Headquarters, U.S. Army Materiel Command, information required by the quarterly report shall be submitted by that Command monthly in duplicate to the addressee in § 591.150(b) (7)

of this chapter not later than the 25th calendar day of each month.

§ 593.408-52 Change orders awarded, definitized, and outstanding.

(a) Heads of procuring activities shall prepare and submit quarterly reports on Change Orders Awarded, Definitized, and Outstanding, Reports Control Symbol DD-I&L(Q)-680, in the format in § 593.408-53 in the same manner as prescribed in § 593.408-50 (a) and (b). Negative reports are not required.

(b) For reporting purposes an un-definitized change order consists of all change orders that have not been definitized in the contract by supplemental agreement.

(c) Change order actions for appeals, letter contracts, or terminations shall not be reported.

(d) The report shall include all change orders of \$10,000 or more. The dollar amounts to be reported shall be obligated amounts prior to definitization or the estimated value, whichever amount reflects the total estimated cost impact of the change order.

(e) A statement identifying each outstanding undefinitized change order of \$1 million or more, the reason for delay in definitization, and actions taken to obtain early settlement shall be attached to each report.

10. Section 593.605-3 is revised to read as follows:

§ 593.605-3 Establishment of blanket purchase agreements.

(a) Blanket purchase agreements shall not be established—

(1) With suppliers having Brand Name Contracts for commissary should be used (§ 3.608-3 of this title), e.g. repair services where disassembly of the item to be repaired is required to determine the nature and extent of repairs or where exact prices of repair services are not known; or

(2) With suppliers having Brand Name Contracts for commissary resale items available thereunder (see § 594-5102 of this chapter), except:

(i) When a Brand Name Contract specifies a minimum shipping quantity,

(ii) The resale items are normally purchased in quantities less than the minimum shipping quantity, and

(iii) The supplier is willing to sell the items in lesser quantities at reasonable prices.

(b) Contracting officers shall, when practicable, establish firm unit prices by negotiating prices or price lists for specific periods of time for incorporation in or attachment to BPA's established with suppliers.

(c) Responsibility for the function of placing calls under BPA's rests with the contracting officer, who may—

(1) Authorize individuals assigned to his purchasing office to place calls under any unpriced or prepriced BPA's established by him in any dollar amount within the limitation in § 3.605-2 of this title, and

(2) Authorize individuals in requiring activities such as commissaries, hospitals, research laboratories, or isolated off-post

locations to place calls only under prepriced BPA's established by him, provided the aggregate dollar amount of any call does not exceed \$250; except that individuals in commissaries may be authorized to place calls for subsistence items without monetary limitation when the BPA contains the Examination of Records clause (§ 7.104-15 of this title).

(d) Contracting officers who authorize individuals to place calls against BPA's under (c) of this section:

(1) Instruct the individuals in the proper use of BPA's;

(2) Furnish copies of BPA's [with price lists, if prepriced] to each individual authorized to place calls thereunder;

(3) Insure that suppliers are informed of the names of the individuals authorized to place calls;

(4) Insure that individuals equitably distribute calls among suppliers with whom BPA's have been established;

(5) Insure that individuals do not split purchase transactions to evade monetary limitations; and

(6) Obtain from individuals at the end of each billing period copies of delivery tickets or sales slips so that suppliers' invoices may be promptly processed for payment.

11. Sections 593.703, 593.705, 593.750, and 593.750-3 are revised; and § 593.807-3 is added, as follows:

§ 593.703 Applicability.

(a) The appropriate Negotiated Overhead Rates clause is authorized for use in all cost-reimbursement type contracts, except facilities contracts, with contractors listed for overhead negotiation in the Master List of Contractors for Negotiated Overhead Rates and Advance Agreements for Independent Research and Development Costs. The Master List is published annually and revisions thereto are published as required in Defense Procurement Circulars [DPC's]. The responsibility within the Department of the Army for the administration and maintenance of the Master List is vested in the Commanding General, U.S. Army Materiel Command, who has assigned such responsibility to his Director of Procurement and Production.

(b) The appropriate Negotiated Overhead Rates clause is authorized for use in cost-reimbursement type contracts, except facilities contracts, with any contractor not listed for overhead negotiation in the Master List when—

(1) Such use will accomplish any or all of the purposes stated in § 3.702 of this title or will otherwise be advantageous to the Government;

(2) The initial use of the Negotiated Overhead Rates clause selected has been coordinated with other Department of the Army procuring activities having a contractual interest with the contractor concerned. Where a procuring activity of the Departments of the Navy or Air Force has a contractual interest with the contractor concerned, coordination with that procuring activity shall be effected through the SAFEGUARD System Manager for the SAFEGUARD System Organization or through the addressee in

§ 591.150(b)(11) of this chapter for all other Department of the Army procuring activities; and

(3) Clearance by the cognizant head of procuring activity has been obtained.

(c) To insure uniformity in the manner of overhead settlement with each contractor to whom paragraph (a) or (b) of this section is applicable:

(1) Notification of the clearance by the cognizant head of procuring activity shall be furnished upon issuance to the addressee in § 591.150(b)(11) of this chapter, Attention: AMCP-SC, for appropriate action to have the Master List revised; and

(2) Each cognizant contracting officer shall include suitable safeguards to insure that no other provision is used in any subsequent cost-reimbursement type contract with the contractor concerned while the authorization in paragraph (b) of this section is in force or while the contractor is listed for overhead negotiation in the Master List.

(d) Before discontinuing use of the Negotiated Overhead Rates clause with any contractor, clearance shall be obtained from the SAFEGUARD System Manager for the SAFEGUARD System Organization or from the addressee in § 591.150(b)(11) of this chapter for all other Department of the Army procuring activities. A request for clearance shall—

(1) Set forth all the circumstances bearing on the proposed discontinuance;

(2) Include the recommendation of the cognizant head of procuring activity; and

(3) Be coordinated in advance with any other interested Department of the Army procuring activity and the cognizant audit office.

§ 593.705 Procedure.

(a) When the Department of the Army is the sponsor of coordinated negotiations as described in § 3.706 of this title or when the contractor concerned has contracts with more than one Department of the Army procuring activity, negotiation cognizance shall be assigned to the procuring activity having the preponderance of contract interest. The conduct of negotiations may be assigned by the designated head of procuring activity to a field command or purchasing office of that activity, except where such reassignment is restricted by specific instructions from the SAFEGUARD System Manager for the SAFEGUARD System Organization or from the Director of Procurement and Production, Headquarters, U.S. Army Materiel Command, for all other Department of the Army procuring activities.

(b) Upon notifications by the Departments of the Navy or Air Force that coordinated overhead rate negotiations have been scheduled with a contractor, the Director of Procurement and Production, Headquarters, U.S. Army Materiel Command, or the SAFEGUARD System Manager, as appropriate, shall designate a procuring activity to represent the Department of the Army in the negotiations.

(c) The procuring activity assigned negotiation cognizance under paragraph

(a) or (b) of this section shall furnish a principal representative of the Department of the Army for the purpose of—

(1) Conducting negotiations when the Department of the Army is the sponsor, or

(2) Representing the Department of the Army in negotiations sponsored by the Department of the Navy and Air Force if the extent of Department of the Army interest warrants participation.

(d) The principal Department of the Army representative shall be authorized to act for and on behalf of all Department of the Army procuring activities affected by the negotiation; consequently, he shall be selected because of his skill, tact, perseverance, experience, knowledge of procurement regulations, and familiarity with business practices. Procuring activities which do not have negotiation cognizance may designate personnel to attend the negotiation conference as observers, as technical advisors, or for training purposes.

(e) Before the negotiation conference, the principal Department of the Army representative shall—

(1) Solicit the comments and recommendations of other procuring activities as to the proposals made by the contractor and as to the related advisory audit report;

(2) Obtain the advisory comment and analyses of legal, pricing, audit and technical personnel as to the rate or rates of overhead, application of cost principles, treatment of particular items of cost, and other pertinent issues;

(3) Develop the Department of the Army position in coordination with other interested Department of the Army procuring activities, with consideration being given to the limitations, special provisions, and cost-sharing arrangements of the affected contracts (any case in which agreement as to the Department of the Army position cannot be reached shall be referred to the SAFEGUARD System manager or to the addressee in § 591.150(b)(11) of this chapter, as appropriate); and

(4) Notify in sufficient time to permit their participation all interested Department of the Army procuring activities, the Departments of the Navy and Air Force, and the cognizant audit office of the date established for the negotiation conference.

(f) The procuring activity having negotiation cognizance shall provide legal, pricing, and technical assistance to the principal representative in the preparation for and conduct of the negotiation conference and of any preliminary meetings.

(g) The negotiation summary prepared at the completion of the negotiations shall contain the following information as a minimum—

(1) The name, position, and organization of conferees representing the Government and the contractor;

(2) The purpose of the negotiation and period covered;

(3) A summary of the contractor's proposal, the pertinent advisory audit report comments, and the recommenda-

tions of legal, pricing, and technical advisors;

(4) The various rates of overhead resulting from the negotiation, with a discussion of the treatment given to cost factors requiring specific attention;

(5) A list of the contracts affected by the negotiation, showing contract number, total dollar value, and uninvoiced dollar amount, or a statement that the information is contained in the advisory audit report;

(6) Any special treatment agreed upon for contracts containing limitations, special provisions, or cost-sharing arrangements; and

(7) A specific comment as to the amounts allowed for costs of the contractor's independent research and development programs and the effect of such allowance on rates and total amounts of overhead and general and administrative expense.

(h) The negotiation summary shall be signed by the principal representative and shall be approved by an official responsible for procurement in the office which conducted the negotiations. Copies of the negotiation summary shall be distributed as follows, except that no distribution shall be made to the Department of the Navy and Air Force when the contractor has no contracts with those Departments—

(1)—

Headquarters, U.S. Army Materiel Command, Attention: AMCPP-SC-----	13
Each subordinate command, installation, and activity of U.S. Army Materiel Command having contractual interest-----	3
Each other Department of the Army procuring activity having contractual interest-----	3
Headquarters, cognizant audit office-----	3
Headquarters, Defense Supply Agency, Attention: DSAH-FCA, Cameron Station, Alexandria, Va. 22314-----	25
Office of Naval Materiel, Department of the Navy (M-37), Washington, D.C. 20360-----	90
Headquarters, Air Force Systems Command (SCKPF), Andrews Air Force Base, Washington, D.C. 20331-----	60

¹ With one copy of distribution list.

(2) When the advisory audit report indicates that purchasing offices of Government agencies outside the Department of Defense have a contractual interest, one copy shall be forwarded to the purchasing office concerned.

§ 593.750 Negotiation of independent research and development costs.

(a) This paragraph applies to all negotiations concerning the extent of allowability of costs of independent research and development [IR&D] (see § 15.205-35 of this title) under, or relating to, a contract to which Subparts B or F, Part 15 of this title applies. The procedures herein are intended to result in uniform application throughout the Department of the Army of ASPR cost principles relating to IR&D. IR&D costs are often an element in a contractor's overhead and hence may be considered in connection with overhead rate negotiations.

(b) The SAFEGUARD System Manager for the SAFEGUARD System Organization and Headquarters, U.S. Army Materiel Command, for all other Department of the Army procuring activities, are responsible for administration of the program of coordinated negotiation of IR&D costs encompassed in the procedures set forth herein. Information required under the procedures herein shall be furnished the SAFEGUARD System Manager or the addressee in § 591.150(b)(11) of this chapter, Attention: AMCPP-SC, as appropriate.

§ 593.750-3 Technical and scientific review and evaluation.

(a) A technical and scientific review and evaluation of the contractor's proposal, supporting information, or detailed statement shall be accomplished except when, in the opinion of the procurement official responsible for the conduct of the negotiation, the extent of allowability of the estimated or claimed costs can be clearly and convincingly established without such review and evaluation.

(b) The technical and scientific review and evaluation shall—

(1) Determine whether the projects comprising each program are properly classified as either research or development;

(2) As to research, provide recommendations concerning scientific factors considered to affect the basis or extent to which the contractor's program is or is not appropriate for support; and

(3) As to development, provide recommendations as to the portion of the independent development program, if any, which is appropriate and the product lines to which such program costs should be allocated.

(c) When a contractor's normal course of business does not involve production work, the recommendation regarding a contractor's independent development program shall discuss the extent to which such development is related and allocable to the field of effort of the contractor's Government research and development contracts (see § 15.205-35 (e) of this title).

(d) When a contractor's work is substantially with the Government, the recommendation shall—

(1) Discuss in particular the relevance of the various IR&D projects to the Government's interest, and

(2) Indicate those projects whose anticipated benefits are primarily commercial in nature or for other reasons have little relevance to the Government's interest.

(e) When a contractor is doing business with more than one Military Department, the Military Department which has negotiation cognizance shall be responsible for the technical and scientific review and evaluation. The program information submitted by contractors listed in the Master List (see § 593.703) shall, unless otherwise indicated in the Master List, be reviewed and evaluated by the Armed Services Research Specialists Committee.

(f) When a contractor is doing business only with the Department of the Army, the procuring activity having negotiation cognizance is responsible for the technical and scientific review and evaluation. Assistance of the Department of the Army member of the Armed Services Research Specialists Committee shall be requested from Headquarters, U.S. Army Materiel Command, Attention: AMCRD-RS, Washington, D.C. 20315.

(g) The results of the technical and scientific review and evaluation shall be provided in writing to the requesting agency in the minimum number of copies necessary. Four copies shall be furnished the SAFEGUARD System Manager or the addressee in § 591.150(b)(11) of this chapter, as appropriate, by the procuring activity having negotiation cognizance.

§ 593.807-3 Cost or pricing data.

Requests for Secretarial waivers of requirements of § 3.807-3 (a) (1) or (2) of this title shall be forwarded to the addressee in § 591.150(b)(6) of this chapter (see § 591.150(d)).

PART 594—SPECIAL TYPES AND METHODS OF PROCUREMENT

12. Sections 594.5004-4, 594.5004-10, 594.5004-11, 594.5004-13, 594.5004-14, 594.5004-15, and 594.5004-16 are revised to read as follows:

§ 594.5004-4 Federal, State, and local taxes.

Insert the appropriate clause in § 7.103-10 of this title.

§ 594.5004-10 Utilization of small business concerns.

Insert the clause in § 7.104-14 of this title if the contract will exceed \$5,000.

§ 594.5004-11 Utilization of concerns in labor surplus areas.

Insert the clause in § 7.104-20 of this title if the contract amount will exceed \$5,000.

§ 594.5004-13 Termination for convenience of the Government.

Insert the appropriate clause in § 7.103-21 of this title.

§ 594.5004-14 Royalty information.

Insert the clause in § 7.104-3 of this title if the contract is negotiated and the contract amount will exceed \$10,000.

§ 594.5004-15 Convict labor.

Insert the clause in § 7.104-17 of this title.

§ 594.5004-16 Equal opportunity.

Insert the clause in § 7.103-18 of this title unless exempt under § 12.805 of this title.

PART 596—FOREIGN PURCHASES

13. Sections 596.103-2, 596.805-2, and 596.806-1 are revised, as follows:

§ 596.103-2 Nonavailability in the United States.

(a) When determinations of nonavailability in the United States are required (determinations are not required for items listed in § 6.105 of this title),

they shall be prepared in the format below and shall be signed by the contracting officer—

DETERMINATION

Pursuant to the authority contained in section 2, title III of the Act of March 3, 1933, popularly called the Buy American Act (41 U.S.C. 10 a-d), I hereby find:

a. (Describe the item(s) to be procured, unit, quantity, and purpose for which intended.)

b. (State actual or estimated cost including transportation to destination and any applicable duty.)

c. (State country of origin and name and address of prospective contractor.)

d. (State whether the item(s) is (are) manufactured and assembled in the country of origin, or is (are) assembled in the United States, indicating whether the manufacture or assembly constitutes the greater percentage of cost.)

e. (State facts clearly establishing the nonavailability of or feasibility of substituting domestic source end products, including a listing of performance requirements or characteristics of the foreign end product which are not available in a domestic source end product and which are essential to meet the military requirement.)

f. (State reasons why the requirement cannot be foregone, the impact on the military operation should the foreign end product not be purchased, and whether the purchase is for a one-time or recurring requirement.)

Based upon the above showing of facts, I hereby determine that:

a. the above-described item(s) is (are) not mined, produced, or manufactured, or the articles, materials, or supplies from which it (they) is (are) manufactured, are not mined, produced, or manufactured (as the case may be) in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; and
b. the requirement cannot be foregone.

(Signature)

(b) Approvals of officials in § 6.103-2 (b) (2) and (3) of this title (approval for procurement of items listed in § 6.105 is required in accordance with § 5.103-2 (b) of this title) shall be prepared in the format below and shall be signed by the approving authority—

APPROVAL FOR PURCHASE

The requirement of the Buy American Act that domestic source end products be acquired for public use is not applicable to the procurement contemplated since said procurement is within the nonavailability exception stated in the Act. In accordance with the Balance of Payments Program, the feasibility of foregoing the requirement or providing a United States substitute has been considered. Authority is granted to the contracting officer (enter name of installation/activity) to procure (describe item(s)) of foreign origin at an (actual) (estimated) total cost of \$_____, including duty and transportation costs to destination.

(Signature)

(c) When approval of the Secretary of the Army is required, a letter request containing the following information shall be forwarded through the cognizant Head of Procuring Activity to the addressee in § 591.150(b)(6) of this chapter (see § 591.150(d) of this chapter):

(1) A complete description of the item(s), including unit, quantity, and purpose for which intended;

(2) The actual cost, if available, including transportation to destination and any applicable duty, together with a copy of the solicitation and abstract of bids or proposals; or, when the actual cost is not available, the estimated cost, including transportation cost to destination and any applicable duty, together with a statement as to how the estimated costs were determined;

(3) The country of origin of the foreign end product; if a Communist area, justification for the need for purchasing the product from a source in a Communist area;

(4) The name and address of the prospective contractor;

(5) A statement as to whether the foreign end product is manufactured and assembled in the country of origin, or whether the product is assembled in the United States, indicating whether the manufacture or assembly constitutes the greater percentage of cost;

(6) A statement of facts clearly establishing the nonavailability of domestic source end products, together with a listing of performance requirements or characteristics of the foreign end product which are not available in a domestic source end product and which are essential to meet the military requirement (this statement shall definitely establish that the performance requirements or characteristics listed are essential to the military requirement and are not available in domestic source end products; individual preference for a particular make or type of equipment is not sufficient justification); and

(7) A statement giving reasons why the requirement cannot be foregone, the impact upon the military operation should the foreign end product not be purchased, and whether the purchase is for a one-time or recurring requirement.

(d) When approval of the Secretary of the Army is obtained, the contracting officer shall use the Secretarial approval in lieu of the Approval for Purchase statement in paragraph (b) of this section.

§ 596.805-2 Procurement limitations.

(a) Requests for approval at Departmental level pursuant to § 6.805-2 (b) and (c) of this title to procure foreign end products (including construction materials) or services for use outside the United States shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(6) of this chapter (see § 591.150(d) of this chapter) and shall contain the following information—

(1) A complete description of the foreign end product or service contemplated for purchase;

(2) The purpose for which the foreign end product or service is intended;

(3) The estimated cost of the supply or service, stating—

(i) The estimated amount of foreign cost and the estimated amount of CONUS cost; and

(ii) If a combination of supplies and services, the estimated amount of foreign and CONUS cost for each;

(4) If a foreign end product—
 (i) The unity and quantity;
 (ii) The required delivery date;
 (iii) The cubic measure or weight when packed;
 (iv) The country of origin and, if a Communist area, justification for the need for purchasing the product from a source in a Communist area; and
 (v) A statement as to efforts made to obtain a U.S. end product and results thereof;
 (5) If a foreign service—
 (i) The period for which required;
 (ii) The manner in which the service was previously performed, i.e. in-house or by contract—
 (a) If in-house, reasons why the service must now be obtained by contract, or
 (b) If a new requirement, reasons why the service must be obtained by contract, and
 (iii) A statement as to efforts made to obtain organic capability to perform the service and results thereof;
 (6) If under § 6.805-2(a)(11) of this title, Unreasonable Cost—
 (i) The estimated costs from the foreign source and the U.S. source, showing as a separate cost transportation applicable to the domestic source end product or service;
 (ii) A statement as to how the estimated costs were determined;
 (iii) The name and address of the prospective source in the foreign country and in the United States, when known; and
 (iv) If for acquisition of foreign buses, a statement as to efforts made to obtain buses of U.S. manufacture to fulfill the requirement and a copy of the determination by the head of procuring activity as required by § 6.306 of this title;
 (7) A statement as to whether the purchase is a one-time or recurring requirement; if a recurring requirement, the date of approval of the foreign source procurement determination for the previous requirement and by whom approved;
 (8) The type contract contemplated with reasons therefor;
 (9) A statement as to whether the procurement will be competitive or non-competitive, and, if noncompetitive, reasons therefor;
 (10) The price paid for the last previous procurement of the product or service and—
 (i) Whether a domestic source end product or service or foreign end product or service was procured,
 (ii) The date of the procurement,
 (iii) The name and address of the contractor, and
 (iv) If purchased under a cost-plus-a-fixed-fee (or incentive fee) contract, the amount of the fee indicated separately;
 (11) A statement giving reasons why the requirement cannot be foregone and the impact upon the military operation should the offshore purchase not be made; and
 (12) Any other pertinent information peculiar to the procurement, the knowledge of which would give a clear understanding of the necessity for the procurement.

(b) Requests for approval of foreign source procurement determinations shall be obtained in advance of issuance of solicitations and those for approval of recurring requirements shall be submitted so as to reach the addressee in § 591.150(b)(6) of this chapter at least ninety (90) calendar days prior to the date contemplated for issuance of the solicitation (see § 591.150(d) of this chapter).

(c) Nonavailability in the United States (§ 6.805-2(a)(5) of this title) means a U.S. end product or service which will fulfill the requirement is not available per se, or a U.S. end product or service is not available within the time required to meet urgent military requirements directly related to maintaining combat capability or to maintaining the health and safety of DOD personnel. This authority is not intended for use in making repetitive supply procurements or procurements of annual supply requirements of items available in the United States but not available within the time required.

(d) Transportation services (§ 6.805-2(a)(8)(1)(i) of this title) means movements of personnel or equipment by use of public licensed or chartered transportation facilities.

§ 596.806-1 Restricted solicitation.

Submissions for approval at Departmental level pursuant to (§ 6.806-1(b)(1) of this title) shall contain the information in § 596.805-2(a) and shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(6) of (see § 591.150(d) of this chapter).

PART 599—PATENTS, DATA, AND COPYRIGHTS

14. Section 599.406-50 is revised to read as follows:

§ 599.406-50 Authorizations.

(a) Acquisition of Licenses and Releases of Past Infringement—the Commanding General, U.S. Army Materiel Command; the Chief of Engineers; the Surgeon General; the SAFEGUARD System Manager; and the designees of any of the foregoing are authorized, subject to the limitations in Subpart D, Part 9 of this title and herein, to acquire the items and rights described in 10 U.S.C. 2386 and to enter into agreements in settlement of claims thereunder. Other procuring activities shall obtain written approval of a proposed agreement from the addressee in § 591.150(b)(1) of this chapter through the Chief, Patents Division.

(b) Claims under Foreign Assistance Act—the Commanding General, U.S. Army Materiel Command; the Chief of Engineers; and the Commanding General, U.S. Army Strategic Communications Command have been delegated authority (see § 591.5102 of this chapter) to enter into agreements in settlement of claims asserted under section 606(b) of the Foreign Assistance Act of 1961 and predecessors (section 506 of the Mutual Security Act of 1954 and section 517 of the Mutual Security Act of 1951).

PART 600—BONDS, INSURANCE, AND INDEMNIFICATION

15. Section 600.201-1 is revised as follows:

§ 600.201-1 Corporate sureties and cosureties.

(a) Corporate sureties shall be required to forward to The Judge Advocate General, Attention: Bonds Branch, Department of the Army, Washington, D.C. 20310, the following documents for filing—

(1) Powers of attorney (forms for which may be obtained from The Judge Advocate General) or certified copies of the resolutions of their Boards of Directors or Trustees which authorize their officers or agents to execute bonds, and

(2) Certificates evidencing revocation of previously granted authority to execute bonds.

(b) Heads of procuring activities are responsible for the distribution to purchasing offices and staff judge advocates within their jurisdiction of the list of acceptable corporate sureties, Treasury Department Circular 570. Requisitions for copies of this list shall be submitted to the addressee in (a) of this section annually on or before April 1.

PART 601—TAXES

16. Section 601.000 is revised as follows:

§ 601.000 Resolution of tax problems.

(a) Actual or anticipated tax problems which cannot readily be solved by reference to Part 11 of this title shall be forwarded to The Judge Advocate General, Department of the Army, Washington, D.C. 20310, Attention: Chief, Procurement Law Division, through procurement channels (see § 591.150(d) of this chapter). Direct communication with The Judge Advocate General is authorized if the time by which a solution to a tax problem is required is so short that communication through channels would be inadequate.

(b) Tax problems forwarded shall be accompanied by—

(1) A comprehensive statement of pertinent facts, including documents and correspondence pertinent thereto;

(2) A copy of the contract or pertinent portions thereof;

(3) A review of the legal and factual issues involved;

(4) A statement of the effect of the tax problem on procurement policies and procedures, if appropriate; and

(5) The comments and recommendations of the contracting officer and of each successive echelon of command through which the correspondence passes.

[Rev. 2, APP, Nov. 1, 1969] (Secs. 2301-2314, 3012, 70A Stat. 127-133, 157; 10 U.S.C. 2301-2314, 3012)

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70-2661; Filed, Mar. 4, 1970; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 199]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.499 Navel Orange Regulation 199.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto

which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 3, 1970.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 6, 1970, through March 12, 1970, are hereby fixed as follows:

- (i) District 1: 1,053,000 cartons.
- (ii) District 2: 247,000 cartons.
- (iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 4, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 70-2793; Filed, Mar. 4, 1970;
1:56 p.m.]

[Valencia Orange Reg. 301]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.601 Valencia Orange Regulation 301.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meet-

ing during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 3, 1970.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 6, 1970, through March 12, 1970, are hereby fixed as follows:

- (i) District 1: Unlimited;
- (ii) District 2: Unlimited;
- (iii) District 3: 178,277 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 4, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 70-2794; Filed, Mar. 4, 1970;
1:56 p.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

PART 1443—OILSEEDS

Subpart—1970 Crop Supplement to Cottonseed Purchase Program Regulations

The Cottonseed Purchase Program Regulations (33 F.R. 15331) issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to purchase operations for cottonseed are supplemented for 1970 crop cottonseed as follows:

- Sec. 1443.50 Purpose.
- 1443.51 Purchase price.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, and 1072, as amended, secs. 301 and 401, 63 Stat. 1053 and 1054, as amended, sec. 601, 70 Stat.

212; 15 U.S.C. 714b and 714c, 7 U.S.C. 1447, 1421, 1446d.

§ 1443.50 Purpose.

This subpart is for the purpose of announcing that CCC will purchase 1970 crop cottonseed from producers and participating ginners under the terms and conditions stated in the Cottonseed Purchase Program Regulations issued by CCC, and any amendments thereto, applicable to purchases of 1968 and subsequent crop cottonseed. This subpart also contains basic purchase prices for 1970 crop cottonseed purchased by CCC from producers and from participating ginners.

§ 1443.51 Purchase price.

(a) *Price to producers.* Any purchases of cottonseed by CCC from producers will be made at the rate of \$37 per short ton (2,000 pounds), gross weight (or net weight if the cottonseed is graded according to the Cottonseed Standards), for basis grade (100) cottonseed, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than 100. The prices per ton thus computed shall be rounded to the nearest multiple of 10 cents.

(b) *Price to ginners.* Any purchases of cottonseed by CCC from participating ginners will be made at the rate of \$41 per short ton, net weight, for basis grade (100) cottonseed, with premiums and discounts for other grades equal to the same percentage of such prices as the percentage by which the grade of cottonseed purchased exceeds or is less than 100.

Effective date. This subpart shall become effective upon filing with the Office of the Federal Register for publication.

Signed at Washington, D.C. on March 2, 1970.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 70-2712; Filed, Mar. 4, 1970; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Sulfadimethoxine Injection

The Commissioner of Food and Drugs, having evaluated data submitted in an application (41-245V) filed by Hoffmann-La Roche, Inc., Nutley, N.J. 07110, and other relevant material, concludes that a new animal drug regulation should be promulgated to provide for the safe and effective use of sulfadimethoxine in-

jection in the treatment of certain infections in dogs.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 135b:

§ 135b.15 Sulfadimethoxine injection.

(a) *Specifications.* Sulfadimethoxine injection contains sulfadimethoxine conforming with sulfadimethoxine N.F. XII. It is sterile and each cubic centimeter contains 400 milligrams of sulfadimethoxine.

(b) *Sponsor.* Hoffmann-La Roche, Inc., Nutley, N.J. 07110.

(c) *Conditions of use.* (1) It is used or intended for use in the treatment of sulfadimethoxine-susceptible bacterial infections and enteritis associated with coccidiosis in dogs.

(2) It is administered by intravenous or subcutaneous injection at an initial dose of 55 milligrams per kilogram of body weight followed by 27.5 milligrams per kilogram of body weight every 24 hours.

(3) For use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: February 24, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-2680; Filed, Mar. 4, 1970; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-373; Order 395]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Gas Purchase Facilities; Budget-Type Applications

FEBRUARY 25, 1970.

The Federal Power Commission, by notice issued October 23, 1969 (34 F.R. 17529; Oct. 30, 1969), proposed to revise its regulations and rules under the Natural Gas Act to provide for an increase in expenditure limits on gas purchase facilities.

Comments were received from eight companies. The comments were in support of the proposed rulemaking. Five companies suggested changes to expand the proposal, some of which have been accepted.

The suggestion to raise the single offshore project cost limit to 25 percent of the total budget amount which would be a maximum of \$1,750,000, instead of the proposed \$1 million has merit in view of the substantially higher costs associated with offshore installations. We are of the opinion that the suggestion to permit smaller companies to seek budget-type certification for new purchase facilities in the total amount of \$100,000 without restriction to 25 percent of that amount for any single project, should not be accepted. The acceptance of this suggestion would permit a company to spend all or most of its total budget amount on one project thus defeating the purpose of the budget rule which is to expedite numerous minor gas purchase projects. We do think, however, that any pipeline company with gross plant of less than \$5 million should be allowed a total gas purchase budget amount of \$100,000. The latter amount is greater for those companies than the 2 percent of gross plant proposed in the rulemaking notice, the difference in amount being dependent on the gross plant.

The Commission finds:

(1) The revisions hereinafter set forth are necessary and appropriate for carrying out the provisions of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 7, 15, and 16, thereof (52 Stat. 824, 825, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 15 U.S.C. secs. 717f, 717n, 717o, orders:

(A) Subparagraphs (1) and (2) of § 2.58(a) in Part 2, Subchapter A of Chapter I; Title 18 of the Code of Federal Regulations are revised to read as follows:

§ 2.58 Budget-type certificate applications—gas purchase facilities.

* * * * *

(a) (1) The total estimated cost of the facilities to be installed in a given 12-month period does not exceed 2 percent of the applicant company's plant account or \$7 million whichever is lesser, except that an applicant with less than \$5 million in such gas plant account may have a total gas purchase budget amount of \$100,000.

(2) The total cost of any single project facilities to be installed during the authorization period does not exceed 25 percent of the total budget amount or \$1 million whichever is the lesser, except that a single offshore project, including any in the disputed zone, is limited only to 25 percent of the total budget amount.

* * * * *

(B) Subparagraph (1) of paragraph (b) of § 157.7, Part 157, Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations is revised to read as follows:

§ 157.7 Abbreviated applications.

* * * * *

(b) *Gas-purchase facilities—budget-type applications.* * * *

(1) (i) The total estimated cost of the gas purchase facilities proposed in the application does not exceed 2 percent of the applicant's gas plant (Account 101 Uniform System of Accounts Prescribed for Natural Gas Companies) or \$7 million whichever is lesser, except that an applicant with less than \$5 million in

such gas plant account may have a total gas purchase budget amount of \$100,000.

(ii) The cost of gas-purchase facilities for any single project to be installed during the authorized construction period does not exceed 25 percent of the total budget amount or \$1 million, whichever is the lesser, except that a single offshore project, including any in the disputed zone, is limited only to 25 percent of the total budget amount.

* * * * *

(C) The revision herein adopted shall become effective 30 days from the date of issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-2667; Filed, Mar. 4, 1970;
8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Service

Immigration and Naturalization [8 CFR Parts 103, 214]

STUDENTS

Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to the authorized period of admission for students and their employment. The provisions of § 214.2(f) (5), which relate to student employment, will become effective on June 1, 1970. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C. 20536, written data, views, or arguments, in duplicate, relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

§ 103.1 [Amended]

The first sentence of paragraph (g) *Officers in charge of § 103.1 Delegations of authority* is amended to read as follows: "The supervision of inspection at ports of entry, and authorization of extension of temporary stay of nonimmigrants, student employment, school transfers by F-1 students, exchange program transfers by J-1 exchange aliens, and voluntary departure prior to the commencement of deportation proceedings."

PART 214—NONIMMIGRANT CLASSES

§ 214.1 [Amended]

1. The second sentence of paragraph (a) *General of § 214.1 Requirements for admission, extension, and maintenance of status* is amended to read as follows: "A nonimmigrant whose visa has been automatically revalidated pursuant to 22 CFR 41.125(f) shall, if otherwise admissible, be readmitted for a period not to exceed the unexpired period of his initial admission or extension of stay which had been authorized by the Service prior to his departure to foreign contiguous territory or adjacent islands, as endorsed by the Service on the Form I-94 issued in connection with the returning nonimmigrant's prior admission or extension of stay and presented by

him, or as endorsed by the issuing school official or program sponsor on Form I-20 or DSP-66 presented by a returning nonimmigrant as defined in paragraph (F) or (J) of section 101(a) (15) of the Act."

2. Paragraph (f) of § 214.2 is amended to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

(f) *Students*—(1) *General*. A student seeking admission to the United States under section 101(a) (15) (F) (i) of the Act and his accompanying spouse and children shall not be eligible for admission unless he presents Form I-20 properly filled out by himself and the school to which he is destined. The student's spouse and children following to join him shall not be eligible for admission into the United States unless they present Form I-20 from the school in which the student is enrolled setting forth the date on which he is expected to complete his full course of study. A student who has been permitted to engage in employment for practical training shall be deemed to be taking a full course of study at the school he was last authorized by the Service to attend.

(2) *Period of admission*. The temporary admission of an alien who has a nonimmigrant status under section 101 (a) (15) (F) (i) and his spouse and children accompanying or following to join him, if admissible, shall be for the duration of the period during which he continues to pursue a full course of study at the school which the Service has authorized him to attend and otherwise continues to maintain status as a student, provided he is at all times in possession of an unexpired passport valid for at least 6 months unless he is exempt from the passport requirement. Admission for such period will be denoted on Form I-94 by the symbol "D/S." The period of admission of the spouse and children are also subject to the conditions that they maintain their nonimmigrant status and at all times are in possession of unexpired passports valid for at least 6 months, unless exempt from the passport requirement. A student who has been compelled by illness to interrupt his schooling may be considered as maintaining his status if he establishes that upon recovery he will resume a full course of study.

(3) *Temporary absence from the United States*. Form I-20 presented by a student returning from a temporary absence may be retained by him and used for any number of reentries within 1 year of the date of its issuance. Form I-20 is not required for a student returning to the United States after a temporary absence in possession of the Form I-94 with which he last entered the United

States if (i) he is a Canadian national or an alien landed immigrant of Canada having a common nationality with Canadian nationals and he is returning after a temporary absence in Canada only, or (ii) he is in possession of a visa which was automatically revalidated pursuant to 22 CFR 41.125(f) (2), or (iii) he is within the purview of 22 CFR 41.125(f) (2) except that his nonimmigrant visa has not expired.

(4) *School transfer*. A student shall not be eligible to transfer to another school unless he submits a valid Form I-20 completed by that school and the Service grants him permission to transfer. Application for transfer shall be made by letter accompanied by Form I-20, and shall be filed at the Service office having jurisdiction over the school which he was last authorized by the Service to attend. The applicant shall be notified of the decision, and if the application is denied, of the reason therefor. No appeal shall lie from the decision.

(5) *Employment*—(i) *General*. Except as otherwise provided herein, a student who has not been in the United States in lawful status for more than 1 year may not apply for permission to engage in employment. A student who wishes to apply for permission to engage in employment because of economic necessity or to take practical training may apply on Form I-538. A student attending a college or university shall submit Form I-538 to the school, and a responsible school official designated by the school may authorize employment. The school shall return Form I-538 with the decision endorsed on it, and, if employment has been authorized, the student shall keep Form I-538 with his Form I-94, Arrival-Departure Record. The school shall keep a copy of the application with the grant or denial endorsed on it during the period the student is attending school. The granting of permission by a designated school official to engage in employment contrary to the provisions of this section shall constitute a ground for withdrawal of the school's approval pursuant to § 214.3. An application submitted to the Service for decision, as described below, must be endorsed with a favorable recommendation by a responsible school official designated by the school. A student attending a school other than a college or university shall submit Form I-538 to the Service for decision; also, if extraordinary circumstances are present, a student, including one attending a college or university, may apply to the Service for employment permission although he has not been in the United States for more than 1 year. When authorizing employment, the Service will endorse Form I-94 appropriately. When the Service denies the application, the student shall be notified in writing of the reason therefor. No appeal shall lie from

a decision of an authorized Service official. Permission granted to a student to engage in employment is automatically suspended when a strike or other labor dispute involving work stoppage or lay-off of employees is in progress in the occupation and at the place where the student is employed.

(ii) *Economic necessity.* If a student requests permission to engage in part-time employment because of economic necessity, he must establish that the necessity is due to unforeseen circumstances arising subsequent to entry or subsequent to change to student classification. The student must also satisfy the designated school official that part-time employment will not interfere with the student's ability to carry successfully a full course of study. A student who is granted permission to engage in part-time employment because of economic necessity may engage in such employment for the period of time he is authorized to remain in the United States as a student.

(iii) *Practical training.* If a student requests permission to engage in or continue previously authorized employment in order to obtain practical training, he must satisfy the designated school official that the practical training in the student's field of study is in accordance with school policy, that the training will be in the student's field of study, and that it is not available in the country of the student's last foreign residence. Permission to engage in or continue previously authorized employment for practical training may be granted in increments of not more than 6 months each, for a maximum of not more than 18 months in the aggregate. A student enrolled in a college or university having alternate work-study courses as a part of its regular prescribed curriculum may participate in such courses without obtaining a change of status and without filing an application for permission to engage in employment; however, such periods of actual employment shall be considered as practical training.

(iv) *On-campus employment.* On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study, if related thereto. A student who is offered this kind of on-campus employment, or any other on-campus employment which will not displace a U.S. resident, does not require permission to engage in such employment.

§ 214.3 [Amended]

3. The second sentence of paragraph (g) *Reporting requirements* of § 214.3 *Petitions for approval of schools* is amended to read as follows: "An immediate report shall also be made in the case of each nonimmigrant student who fails to carry a full course of study, fails to attend classes to the extent normally required, terminates his attendance at the institution, or terminates practical training which has been recommended

or authorized by the designated school official."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: February 27, 1970.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 70-2660; Filed, Mar. 4, 1970;
8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 70-15]

STURGEON BAY, WIS.

Special Anchorage Areas

1. Notice is hereby given that the Commandant, U.S. Coast Guard under authority of Rule 9, 28 Stat. 647, as amended (33 U.S.C. 258), section 6(g) (1) (C) of the Department of Transportation Act (80 Stat. 937, 49 U.S.C. 1655(g) (1) (C)) and 49 CFR 1.4(a) (3) (iii), is considering the addition of a § 110.78 to Part 110, Subpart A of Title 33, Code of Federal Regulations.

2. The proposed new section would establish and describe a Special Anchorage Area on Sturgeon Bay, at Sturgeon Bay, Wis. In this special anchorage area, vessels not more than 65 feet in length, when at anchor, would not be required to carry or exhibit anchor lights. The proposed area is southeasterly from the Wisconsin Routes 42 and 57 highway bridge that crosses Sturgeon Bay and south of the main ship channel in an area approximately in front of Baudhuin Yacht Harbor.

3. It is proposed to amend Part 110 by adding a new § 110.78, reading as follows:
§ 110.78 Sturgeon Bay, Sturgeon Bay, Wis.

Beginning at a point bearing 126°, 3,000 feet from the fixed green Sturgeon Bay Canal leading light mounted on the highway bridge; thence 120°, 1,200 feet, this line being parallel to and 150 feet from the channel edge; thence 222°, 500 feet; thence 300°, 1,200 feet; thence 042°, 500 feet to the point of beginning.

4. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before March 18, 1970. All submissions should be made in writing to the Commandant, 9th Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199.

5. To expedite the handling of submissions regarding this proposal, it is requested that each submission be submitted in triplicate and state the subject to which it is directed; the specific wording recommended; the reason for the recommended change, and the name, address, and firm or organization, if any, of the person making the submission.

6. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, 9th Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199.

7. After all interested persons have expressed their views, the Commander, 9th Coast Guard District will forward the record, including the original of all written submissions, and his recommendations with respect to the proposals and submissions received to the Commandant (OLE), U.S. Coast Guard, Washington, D.C. 20591.

Dated: February 26, 1970.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 70-2703; Filed, Mar. 4, 1970;
8:49 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 1-8; Notice 2]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Retreaded Pneumatic Tires; Passenger Cars

A proposal to amend Part 371, the Federal Motor Vehicle Safety Standards, by adding Federal Motor Vehicle Safety Standard for Retreaded Tires—Passenger Cars, Multipurpose Passenger Vehicles, Trucks, Trailers, Buses and Motorcycles, was published on October 14, 1967 (32 F.R. 14280), as an advance notice of proposed rule making. Interested persons were invited to provide comments on this notice.

In addition, a technical conference was held on April 10, 1969, at which time a Discussion Paper on a proposed notice of rule making on retreaded tires was presented and discussed in depth. A transcript of the meeting is included in the docket.

The National Traffic and Motor Vehicle Safety Act of 1966 under Title II refers to standards for new and retreaded pneumatic motor vehicle tires. At present the Federal Motor Vehicle Safety Standards only apply to new pneumatic passenger car tires. There is a large segment of the motoring public that relies on retreaded tires for use on passenger cars. In use, retreaded tires are exposed to the same road conditions as new tires. The Administrator is of the opinion that there is a need for retreaded pneumatic tire standards which would assure a safe level of tire performance.

The proposed standard is applicable to passenger car tires only. The discussion paper distributed at the meeting of

April 10, 1969, also included requirements for retreaded tires for use on multipurpose passenger vehicles, trucks, trailers, buses, and motorcycles. However, many of the comments stated that it was not reasonable for the standard to be applicable to retreaded tires for such vehicles until standards for new tires for use on these vehicles were issued. After due consideration, it has been decided not to propose requirements for other than retreaded passenger car tires at this time.

Several comments, including comments from two associations representing new tire and tire retreading companies, stated that retreaded pneumatic passenger car tires can perform as well as new pneumatic tires and recommended that performance standards similar to Federal Motor Vehicle Safety Standard No. 109 be adopted. Another tire retreading association opposed issuing performance requirements for retreaded tires arguing that the possible shortage of tire test equipment, the expense of tire testing, and the additional record keeping made performance testing impractical and an economic hardship on the small retreader. The Administrator recognizes that a shortage of test equipment presently exists; however, it is anticipated that this shortage will be alleviated and the cost of tire testing reduced by the time the proposed standard becomes effective, August 1, 1971. Concerning the possible additional burdens to retreaders, the Administrator believes that the public's safety is of paramount concern. The Administrator has considered all the information before him and concludes that the benefits to the public in having meaningful test requirements outweighs possible inconvenience to retreaders. Therefore, based on the material presently available, it is the opinion of the administrator that in the interest of public safety retreaded pneumatic tires should comply with the same performance requirements as new pneumatic tires.

It is recognized that some small retreaders may be fully capable of producing retreaded tires which meet the proposed standard but may be reluctant to state that their tires meet the standard because, due to the costs involved, they are unable to purchase their own test wheels or have their tires tested on a regular basis. In such circumstances, it is expected that a retreader could certify that his tires comply with the proposed standard provided his tires are retreaded in accordance with a process demonstrated to him, through testing, to be capable of consistently producing tires which conform to the proposed standard. It is assumed that the processing procedure followed would include an adequate method of casing selection, and that the retreader's quality control procedures would be such that all aspects of the process would be adhered to. The retreader would still, of course, be subject to the sanctions set forth in the National Traffic and Motor Vehicle Safety Act of 1966, should his tires not in fact comply with the performance requirements of the proposed standard.

The discussion paper at the April 10, 1969, technical conference contained

rather detailed requirements for casings that are to be retreaded. As a result of the comments received at that conference, and further consideration given to the matter by the Bureau, the only casing condition requirements contained in the proposed standard are to prohibit the retreading of casings with cord or bead wire exposed. Nevertheless, since the casing is part of the raw material used in the retreading process, each retreader will be responsible for insuring the soundness of the casing, since the retreaded tire must be capable of conforming to the proposed performance standards.

For purposes of this standard the belts contained in belted bias tires are considered part of the tire casing and removal of a belt by a retreader would be prohibited.

The proposed standard, in addition to requiring that Standard No. 109 labeling be retained, specifies labeling requirements for retreaded pneumatic passenger car tires in order to identify the retreader and the date the tire was retreaded. It is contemplated that the requirement, that all the new tire labeling information be retained on the retreaded tire, will not be made effective until some time after Standard No. 109 is amended so as to change the location of new tire labeling in order to minimize the possibility of the labeling information being made illegible due to normal use of the tire and in order to avoid removal of the labeling during the retreading process.

Requirements for recordkeeping have been included within the proposed standard. One retread association commented that the cost of 3-year recordkeeping would be prohibitive, impracticable and unreasonable. Admittedly, recordkeeping will involve cost; however, since retreaded tires are subjected to the same service conditions that new tires encounter and because group type production failures can occur, it was decided that the consumer cannot be protected if the retreader is unable to identify and notify owners of unsafe tires.

Several persons objected to the standard being effective before an adequate supply of DOT labeled tires were available. They commented that the average tread life of a new pneumatic tire is 3 years. Accordingly, to assure an adequate supply of DOT labeled casings, an effective date of August 1, 1971, is proposed (the permanent labeling requirement for Standard No. 109 became effective August 1, 1968).

Interested persons are invited to participate in the making of this proposed rule by submitting written data, views, or arguments. Ten copies of comments should be submitted to the National Highway Safety Bureau, Attention: Rules Docket, Room 4223A, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20591. All comments received within 60 days from the date of publication of this notice will be considered before action is taken on the proposed rule. All comments submitted, both before and after the closing date, will be available in the docket room for exam-

ination by interested persons. In consideration of the foregoing, it is proposed that Title 49—Transportation, Chapter III—Federal Highway Administration, Department of Transportation, Subchapter A—Motor Vehicle Safety Regulations, Part 371—Federal Motor Vehicle Safety Standards, be amended by adding Federal Motor Vehicle Safety Standard No. 117; Retreaded Pneumatic Tires—Passenger Cars, to read as set forth below.

This notice is issued under the authority of sections 103, 112, 119, and 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1401, 1407, and 1421) and the delegation of authority contained in § 1.4(c) of Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(c)).

Issued on February 25, 1970.

F. C. TURNER,
Federal Highway Administrator.

FEDERAL MOTOR VEHICLE SAFETY
STANDARD No. 117

RETREADED PNEUMATIC TIRES—
PASSENGER CARS

S1. Purpose and scope. This standard specifies laboratory test requirements, casing requirements, and labeling requirements for retreaded tires.

S2. Application. This standard applies to pneumatic tires retreaded after August 1, 1971, for use on passenger cars manufactured after 1948.

S3. Definition. All terms defined in Federal Motor Vehicle Safety Standards No. 109 and No. 110 are used as defined therein.

S4. Requirements.

S4.1 Retreadable casing requirements.

S4.1.1 Casing condition. No casing may be retreaded that has exposed bead wires or exposed fabric, whether exposed in service or during processing, and no casing may be retreaded unless all labeling information required by Federal Motor Vehicle Safety Standard No. 109 is legible.

S4.1.2 Casing size. No casing may be redesignated as a tire size larger than the original molded size designation.

S3.2 Retreaded tire requirements. Retreaded tires shall conform to the size, construction, performance and tread wear indicator requirements set forth in paragraphs S4.1 and S4.2 of Federal Motor Vehicle Safety Standard No. 109. No tire may be retreaded by a process which included the removal of a ply or belt from the casing.

S4.3 Labeling requirements.

S4.3.1 Retread labeling. Each retreaded tire shall be labeled with the following information permanently molded into or onto both sidewalls of the tire:

a. All labeling information required by Motor Vehicle Safety Standard No. 109—New Pneumatic Tires—Passenger Cars, and

b. At the locations designated in Figure 1, information consisting of: The symbol "DOT" which represents that the retreader certifies that the retreaded tire conforms to this Standard; the code

number assigned to the retreader; and the month and year of the retreading.

S4.3.2 Code numbers. To obtain a code number, retreaders shall apply, in writing, to the Motor Vehicle Safety Performance Service, National Highway Safety Bureau, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20591, and submit the following information as a minimum.

a. The name which identifies the retreading shop, or in a multishop organi-

zation, the name which identifies each shop in the organization.

b. The address of each retreading shop and, if a multishop organization, the main office address.

c. A statement that the following material will be maintained for a period of at least 3 years: Records of the material used in the retreading process; records of process control; records of performance tests; and records of reported defects and failures, with associated causes.

comments is extended to April 1, 1970, and May 1, 1970, respectively.

Adopted: February 26, 1970.

Released: March 2, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-2697; Filed, Mar. 4, 1970;
8:48 a.m.]

[47 CFR Part 97]

[Docket No. 18803; FCC 70-206]

AMATEUR RADIO SERVICE

Licensing and Operation of Repeater Stations

In the matter of amendment of Part 97 of the Commission's rules concerning the licensing and operation of repeater stations in the Amateur Radio Service, Docket No. 18803; RM-388, RM-1087, RM-1209.

1. The Commission has under consideration a joint petition filed by James W. Kyle, Jr., Robert B. Cooper, Jr., and Russell L. Miller (Kyle) (RM-388), and petitions filed by the State of Texas, Division of Defense and Disaster Relief (Texas) (RM-1087), and the Buffalo Amateur Radio Repeater Association (BARRA) (RM-1209), for rule making in the above-entitled matter. All petitioners proposed that the Commission amend its rules to specifically provide for the operation of amateur stations which would automatically repeat the transmissions of other amateur stations. Comments supporting the Kyle petition were filed by Arizona Amateur Radio Society. Comments supporting the BARRA petition were filed by Electronic Industries Association; Tulsa Repeater Organizations, Inc., and Rocky Mountain VHF Society, Inc.

2. A repeater station, as the term is used herein, is an amateur station which receives and automatically retransmits radio signals primarily for the purpose of extending the communication range of mobile units. Repeater stations are particularly useful on VHF bands where reliable communication is generally over relatively short distances. Although the present rules do not specifically refer to repeater stations, under policies that have developed, amateur stations licensed to persons holding a Technician or higher class licenses have been permitted to operate as repeater stations consistent with the rule permitting remote control and other rules applicable to all amateur stations. The present rules require, among other things, that the licensee be present at the transmitter or at an authorized control point when the station is in operation; that remote control points must be at fixed locations designated on the station license; that all emissions of the remote transmitter must be monitored by the licensee; and that the operation of the station must be under the positive supervisory control of

¹ Commissioner Wells dissenting.

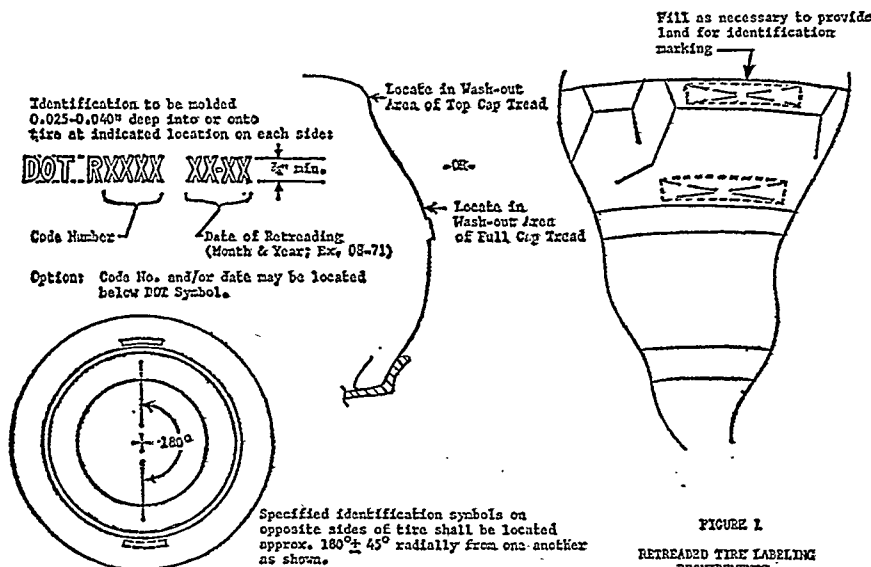


FIGURE 1
RETREADED TIRE LABELING
REQUIREMENTS

[F.R. Doc. 70-2621; Filed, Mar. 4, 1970; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18751; FCC 70-225]

MULTIPLE OWNERSHIP OF STANDARD, FM, AND TELEVISION BROADCAST STATIONS

Stock Held by Banks in Fiduciary Capacity; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of §§ 73.35, 73.240 and 73.636 of the Commission's rules relating to multiple ownership of standard, FM and television broadcast stations (stock held by banks in a fiduciary capacity); Docket No. 18751, RM-1460.

1. The Commission has before it for consideration a request, filed on February 25, 1970, by The American Bankers Association (ABA) for an extension of time for filing comments herein, from March 2, 1970, to June 1, 1970. The original dates for filing comments and reply comments are March 2, 1970, and April 3, 1970, respectively (see notice of proposed rule making and notice of inquiry adopted Nov. 19, 1969; 34 F.R. 19032).

2. In support of its request, ABA states that the Commission, as a part of its in-

quiry requested ABA to make a further survey of its member banks with respect, among other things, to interlocking directorates between banks and licensees in which the banks vote stocks of licensees. ABA states that, in the past 18 months, the Securities & Exchange Commission (SEC) has conducted and is still conducting an extensive survey into the activities of institutional investors, including bank trust departments. One of the aspects of the SEC survey was a request for information concerning the relationships between banks and portfolio companies. The SEC request was sent to 50 bank trust departments. The information was to be filed by the banks with SEC by February 18, 1970. ABA contends that the information requested by the SEC is very similar to the information requested in the Commission's inquiry and that additional time is necessary to bring together all needed data and to properly evaluate such data.

3. Correlation and analyses of the SEC material would appear to be of assistance to the Commission in resolving the issues in this proceeding. We find that a period of 30 days will give ABA sufficient time to correlate and evaluate any relevant data and prepare meaningful comments thereon. It is found that good cause exists for a 30 day extension and the public interest would be served thereby. *Accordingly, it is ordered, That the time for filing comments and reply*

the licensee, i.e., it must be possible for him to suspend the radiation of the transmitter regardless of any control signals transmitted by another user station for the purpose of gaining access to the repeater. The station licensee is also required to comply with the logging and station identification requirements applicable to the usual amateur station. In response to the petitioners requests, the Commission proposes to amend its rules to specifically provide for the operation of amateur repeaters.

3. Since the operator of each station using a repeater is required to maintain a log of his transmissions, and the duplication of the information in the repeater log would serve no useful purpose, it is proposed that the repeater log include only the time and date of the periods the repeater is available for service, and entries indicating the technical and operational condition of the repeater. It is also proposed to amend the present identification rule to permit automatic identification of repeaters by telegraphy at intervals not to exceed three minutes.

4. With respect to the operator and monitoring requirements, BARRA proposed that an amateur repeater station be permitted to operate without an operator in attendance at the transmitter or at an authorized control point. In support of its proposal, BARRA stated that since a repeater does not originate communications, the responsibility for communication content should be placed solely on the licensee of the station using the repeater, because he is responsible for the propriety and content of any signals transmitted by his station. The licensee of the repeater would then be responsible only for the technical operation of his station. Section 310(b) of the Communications Act requires, in effect, that the licensee of a station maintain supervision and control of both the technical and operational performance of his station. Accordingly, it is proposed herein to continue to require the licensee of a repeater station to be in attendance at the transmitter or at an authorized fixed control point, and to monitor all transmissions of the station.

5. Because of the shared use of amateur frequencies, equipment limitations which may preclude monitoring the repeater input frequency, and the inability of repeater users to observe activity on the repeater output frequency throughout the area served by the repeater, consideration must be given to the interference potential of repeaters to amateurs operating on the same and adjacent frequencies. The proposals set forth below should tend to minimize interference between stations, but not unduly inhibit the growth of a useful repeater system.

6. The propagation characteristics of the amateur bands below 50 Mc/s are such that mobile stations and stations at fixed locations can communicate over short, medium, and long distances on those frequencies without recourse to re-

peaters. In view of this, there is no apparent need for retransmission on frequencies below 50 Mc/s or for multi-hop repeater systems on frequencies above 50 Mc/s. Accordingly, it is proposed to permit the operation of repeaters only on frequencies above 50 Mc/s and limit the automatic relaying of communications to a single retransmission. It is also proposed to adopt the recommendations of Kyle and BARRA that a repeater be so designed and installed that it will normally be activated only by means of a coded signal or such other means as will effectively exclude transmissions by stations not desiring to work through the repeater, thus minimizing unnecessary transmissions and the possible resulting interference. The required coded signal may consist of a single audio tone so that the repeater can be easily "whistled on."

7. To further minimize interference, and in the absence of any apparent need, the simultaneous retransmission by a repeater in two or more bands of the same received signal will not be permitted, nor will cross-band operation, that is receiving in one band and transmitting in another, be permitted. It is also proposed to specify frequency subbands in the 50, 144, 220, and 450 MHz bands, for repeater input and output. It is believed that by restricting repeater operation to specific portions of the amateur bands a more useful and uniform system will result, and interference to the operation of stations not transmitting through repeaters will be minimized. The proposed frequency subbands are tentative in that they may be adjusted within the band if comments received indicate a need for such adjustment.

8. It is proposed to limit the power input to repeaters to 600 watts. This is consistent with the maximum power permitted in the land mobile services and is believed sufficient to provide reliable communications within the range of mobile units. Also, the rule sections relating to operator requirements and station identification have been revised to codify present Commission requirements.

9. The specific rule changes proposed herein are set forth below. Authority for these proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 15, 1970, and reply comments on or before June 1, 1970. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and 14 copies of all statements, briefs, and comments filed shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other relevant information before it, in

addition to specific comments invited by this notice.

Adopted: February 26, 1970.

Released: March 2, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary,

1. In § 97.3, a new paragraph (i) is added to read as follows:

§ 97.3 Definitions.

(i) *Amateur Repeater Station.* An amateur station at a specified fixed location used to automatically retransmit signals of other amateur stations.

2. Section 97.41 is amended by adding a new paragraph (b) as set forth below, and redesignating former paragraphs (b) and (c) as (c) and (d).

§ 97.41 Application for station license.

(b) Each application for a remotely controlled station shall be filed on FCC Form 610 or FCC Form 610-B, as appropriate, and must include a supplementary statement giving the address of the remote control point and indicating whether control will be by wire or radio. If remote control is by radio, complete information must be furnished showing how the transmitter is controlled and what means will be used to prevent unauthorized operation of the transmitter. Data on control frequencies, the function of all relays, timing devices used for control, directional transmitting and receiving antennas in the control system, and other pertinent details must be included.

3. A new § 97.42 is added to read as follows:

§ 97.42 Station location.

Every station must have a fixed transmitter location. Only one fixed transmitter location, which will be designated on the station license, will be authorized unless the station is authorized to be operated by remote control.

4. Present § 97.43 is deleted and new § 97.43 is added to read as follows:

§ 97.43 Remote control of an amateur station.

(a) Remote control of an amateur station other than an Amateur Repeater Station from a point or points specified on the station license may be authorized provided:

(1) The remote transmitter is so installed and protected that it is inaccessible to unauthorized persons.

(2) That in addition to complying with § 97.85, a photocopy of the amateur station license is posted in a conspicuous place at the remote transmitter location.

¹ Commissioner Cox concurring in the result.

(3) The emissions of the transmitter are continuously monitored at the control point.

(4) The radiation from the transmitter can be immediately suspended from the control point when there is any deviation from the terms of the station license or the requirements of this part.

(5) The station is so designed and installed that the transmitter can be activated only from the authorized fixed control point.

(6) That if remote control is by radio, the control link is direct, without intermediate relay.

(7) That if remote control is by radio, the control transmitters operate on frequencies within a band above 220 Mc/s.

(8) That if remote control is by radio, a timer is provided to automatically limit transmission to a period of 3 minutes in the event of failure of the radio control link, capture of the control receiver by an undesired signal, or other technical malfunction.

(b) Remote control of an Amateur Repeater Station may be authorized provided:

(1) The installation and operation of the station complies with paragraph (a) of this section.

(2) The station is provided with an automatic timer to limit a single uninterrupted transmission to a period of not more than 3 minutes. This circuit may be so designed that it will automatically reset but will not permit use of the transmitter until receipt of a properly coded signal.

(3) The station is so designed and installed that overriding control of the station is maintained from an authorized remote control point.

(4) The station is so designed and installed that the transmitter can be used only upon receipt of a coded tone signal after the transmitter has been activated from the control point.

(5) The station is so designed and installed that the transmitter will be silenced within 5 seconds after cessation of the output of its associated receiver.

5. In § 97.61, the introductory text of paragraph (a) is amended, and a new paragraph (c) is added to read as follows:

§ 97.61 Authorized frequencies and emissions.

(a) Following are the frequency bands and associated emissions available to amateur stations, other than Amateur Repeater Stations, subject to the limitations stated in paragraph (b) of this section and § 97.65. Frequency bands available to Amateur Repeater Stations are shown in paragraph (c) of this section.

(c) Amateur Repeater Stations must receive and transmit in the same frequency band. Simultaneous transmission in two or more frequency bands is not permitted. The following frequency bands and the emissions authorized in those bands in paragraph (a) of this section are available for Amateur Repeater Stations:

<i>Input (Receiving) Mc/s</i>	<i>Output (Transmit- ting) Mc/s</i>
52.50- 52.70	53.00- 53.20
146.30-146.60	146.90-147.20
223.10-223.30	224.10-224.30
447.70-448.90	449.10-449.30

Any amateur frequency above 1215 Mc/s.

6. Section 97.67 is revised to read as follows:

§ 97.67 Maximum authorized transmitter power.

(a) Transmitter power is the d.c. power input to the final radiofrequency amplifier. If the final amplifier is of the radio frequency grounded-grid or radio frequency grounded-base type, the transmitter power also shall include the d.c. power input to the stage which immediately precedes the final radio frequency amplifier.

(b) Except as limited by § 97.61(b) transmitter power shall not exceed:

(1) 600 watts for transmitters used at Amateur Repeater Stations;

(2) Two kilowatts for single sideband radiotelephone transmitters and other amplitude modulated radiotelephone transmitters using reduced, suppressed, or controller carrier when measured during maximum peaks of modulation;

(3) One kilowatt for all transmitters other than those covered by subparagraphs (1) and (2) of this paragraph.

(c) Equipment capable of operation with transmitter power in excess of 90 percent of any applicable power limitation shall have installed a means for accurately measuring transmitter power.

7. Section 97.79 is revised to read as follows:

§ 97.79 Operator requirements.

(a) An amateur station may be operated only by a person holding a valid amateur operator license issued by the Federal Communications Commission and only in the manner and to the extent provided by the class of license held by the operator or the station licensee, including the trustee of a club station, whichever is the lesser.

(b) The licensed operator required by paragraph (a) of this section must be on duty at the transmitter location or at an authorized control point.

(c) An amateur station licensed as a military recreational station may be operated only in the manner and to the extent provided by the class of amateur license held by the person operating the station.

(d) When an amateur station is used for telephony or radioprinter transmissions, any person may transmit by voice or teleprinter, provided a licensed amateur operator is present at the operating position, continuously monitoring the transmissions and maintaining supervisory control of the station, including turning the carrier on and off for each transmission and signing the station off after communication with each station has been completed.

8. In § 97.87, new paragraphs (e) through (h) are added to read as follows:

§ 97.87 Station identification.

* * * * *

(e) In lieu of the requirements of paragraph (a) of this section, an Amateur Repeater Station may be automatically identified by radiotelegraphy at intervals not to exceed 3 minutes by keying on audio tone superimposed on the voice transmissions. The code speed shall not exceed 20 words per minute, and the modulation level shall be sufficient to be readable through the voice transmissions.

(f) A station licensed to an individual may be identified by its assigned call only when operated by or under the immediate supervision of the station licensee. If the station licensee, who is the owner of the equipment, is not present, the operator must identify his transmissions by using his own call sign with the appropriate portable indicator.

(g) A club station may be identified by its assigned call only when operated under the supervision of the trustee or an authorized club member.

(h) A military recreation station may be identified by its assigned call only when operated by a member of the Armed Forces of the United States who holds a valid amateur operator license.

9. Section 97.89 is amended to read as follows:

§ 97.89 Points of communication.

(a) Amateur stations may communicate with:

(1) Other amateur stations.

(2) In emergencies or for test purposes, and on a temporary basis, with stations in other services licensed by the Commission and with United States Government stations.

(3) Any station, other than an amateur station, which has been authorized to communicate with amateur stations.

(b) Notwithstanding the provisions of paragraph (a) of this section, an Amateur Repeater Station shall not repeat the transmissions of another Amateur Repeater Station.

10. Section 97.103 is revised to read as follows:

§ 97.103 Station log.

(a) Each licensee of a station other than an Amateur Repeater Station shall keep a log of station operation which shall include the following:

(1) Except when operating mobile, the date and time of each transmission or the beginning and end of a series of transmissions.

(2) When operating mobile, the date and time station operation commences and ends.

(3) Call sign of the station called.

(4) If the transmissions are made through a repeater station, the call sign of the repeater.

(5) The signature of each licensed operator who operates the transmitter from the transmitter location or control point and the date and time of such operation.

(6) The name of any person other than the operator who directly or by recording transmits by voice or transmits by radio teleprinter.

(7) The input power to the transmitter.

(8) The frequency band or subband used.

(9) The type of emission used.

(10) The station location.

(11) If record messages are handled, a copy of each message sent and received shall be entered in the station log or retained on file for at least 1 year.

(b) The licensee of an Amateur Repeater Station shall keep a log of operation which shall include the following:

(1) The date and time station operation commences and ends.

(2) The entries specified in subparagraphs (5), (7), (8), (9), and (10) of paragraph (a) of this section.

(3) A record of all installation, service or maintenance work performed which may affect the proper operation of the station.

(4) The entry required by subparagraph (3) of this paragraph shall be made, signed, and dated by the licensed amateur operator who supervised or performed the work.

(c) The entries required by subparagraphs (5), (7), (8), (9), and (10) of paragraph (a) of this section need only be entered once until there is a change in the required entry.

11. In § 97.193, the introductory text of paragraph (a) is amended, and a new paragraph (e) is added to read as follows:

§ 97.193 Frequencies available.

(a) Except as provided in paragraph (e) of this section, the following frequencies and frequency bands and associated emissions are available on a non-exclusive basis to the indicated classes of stations or units of such stations in the Radio Amateur Civil Emergency Service.

* * * * *

(e) A repeater in the Radio Amateur Civil Emergency Service may operate on any frequency and associated emission above 50 Mc/s listed in paragraph (a) of this section.

[F.R. Doc. 70-2698; Filed, Mar. 4, 1970; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 201, 260]

[Docket No. R-380]

ACCOUNTING AND RATE TREATMENT OF ADVANCE PAYMENTS TO SUPPLIERS FOR GAS

Notice of Extension of Time

FEBRUARY 27, 1970.

By notice issued February 26, 1970, in the above-designated matter, the time for filing views and comments to the notice of proposed rule making issued January 23, 1970, was extended to and including March 31, 1970. Notice is hereby given that the time for filing responses to any such comments is extended to and including April 21, 1970.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-2662; Filed, Mar. 4, 1970; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

POLYPROPYLENE FILM FROM JAPAN

Determination of Sales at Not Less Than Fair Value

FEBRUARY 18, 1970.

On January 16, 1970, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that polypropylene film manufactured by Kohjin Co., Ltd., Tokyo, Japan, is not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until January 30, 1970, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that for the reasons stated in the tentative determination, polypropylene film manufactured by Kohjin Co., Ltd., Tokyo, Japan, is not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[F.R. Doc. 70-2721; Filed, Mar. 4, 1970;
8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Sacramento Area Office Redlegation Order 1,
Amdt. 1]

AREA FIELD REPRESENTATIVE, HOOPA AREA FIELD OFFICE, SACRAMENTO AREA

Redelegation of Authority

JANUARY 26, 1970.

On pages 14036 and 14037 of the FEDERAL REGISTER of September 4, 1969, was published the Sacramento Area Office Redlegation Order 1. This amendment redelegates certain authorities to the Area Field Representative, Hoopa Area Field Office.

1. Section 2.5, *Surface leases and permits*, is hereby amended by the addition

of a new paragraph (c) to read as follows:

SEC. 2.5 *Surface leases and permits.* * * *

(c) To the Area Field Representative, Hoopa Area Field Office. The authority of the Area Director relating to leases of tribal land of the Hoopa Valley Reservation for homesite purposes to members of the tribe, provided the lease forms specifically approved for such leases are used. This authority includes approval of encumbrances of leasehold interests in homesite leases for the purpose of borrowing capital for the development and improvement of the leased premises, provided the security instruments specifically approved for such encumbrances are used.

2. Part 2, Authority of Area Field Representatives and Director of Palm Springs, is hereby amended by the addition of a new heading and section which read as follows:

FUNCTIONS RELATING TO CREDIT AND FINANCING

SEC. 2.50 *Credit.* To the Area Field Representative, Hoopa Area Field Office.

(a) The approval of applications by credit associations, individuals, cooperative associations, and incorporated and groups of Indians, for loans pursuant to 25 CFR Part 91 where the total indebtedness to the lender does not exceed \$30,000; the issuance of commitment orders; the approval of modifications of loan agreements, except the modification of loans made to corporations, tribes, bands, credit associations, and cooperatives extending repayment terms regardless of amount.

(b) The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney in fact to execute leases on any trust land in which the Indian borrower may have an interest and to apply the rentals on the Indian's indebtedness for a loan made pursuant to 25 CFR Part 91.

(c) The approval of assignments of income from trust or restricted land of an Indian as security for a loan by a non-Bureau lender if the borrower is not indebted for a loan made pursuant to 25 CFR Part 91 that is secured by such an assignment.

The effective date of this delegation will be the date of signature by the Area Director.

WILLIAM D. OLIVER,
Acting Area Director.

Approved:

JAMES F. CANAN,
Acting Commissioner
of Indian Affairs.

[F.R. Doc. 70-2683; Filed, Mar. 4, 1970;
8:47 a.m.]

[Phoenix Area Office Redlegation Order 3
Amdt. 1]

SUPERINTENDENTS ET AL., PHOENIX AREA OFFICE

Delegation of Authority

JANUARY 21, 1970.

On June 6, 1969, a revision making additional exceptions to the authorities redelegated to Area Directors in 10 BIAM 3 was published in the FEDERAL REGISTER (34 F.R. 9038). This revision makes it necessary to amend Phoenix Area Office Redlegation Order 3, published in the FEDERAL REGISTER (34 F.R. 11108-11110) on July 1, 1969, to delete certain redelegations made in that order. In addition, several amendments are made to other Credit and Financing sections.

1. Section 2.60 is hereby amended to read as follows:

SEC. 2.60 *Loan agreements and modifications.* The approval of applications for and modifications of loans to individuals where the indebtedness to the lender does not exceed \$50,000 subject to the availability of funds made pursuant to 25 CFR Part 91 except on educational loans where the indebtedness will exceed \$2,000 for a 4-year course.

2. Delete the following sections from the text and from the table of contents:

- Sec.
2.61 Enforcement terms, loan agreements.
2.62 Approval of articles and bylaws, cooperative associations.
2.63 Amendments of charters.

3. Section 2.64 is hereby amended to read as follows:

SEC. 2.64 *Approval of partial releases and satisfactions.* The approval of partial releases and satisfactions of mortgages given as security for loans made pursuant to 25 CFR Part 91.

4. Section 2.68 is hereby amended to read as follows:

SEC. 2.68 *Loan security.* The approval of mortgages of crops grown on trust or restricted lands of an Indian, and assignments of income from trust or restricted land of an Indian, as security for a loan by any lender, except if the borrower is indebted for a loan made pursuant to 25 CFR Part 91 that is secured by such assignment.

5. The title of section 2.69 in the table of contents is hereby amended to read "Assignments of trust income" and the section is hereby amended to read as follows:

SEC. 2.69 *Assignments of trust income.* The approval of assignments of income from trust or restricted land property of an Indian, except land, and authority to act as the Indian's attorney in fact to execute leases of any trust land in which the Indian borrower may have an interest and to apply the rentals on the Indi-

an's indebtedness, for a loan made pursuant to 25 CFR Parts 91 and 92.

ALBERT LASSITER,
Acting Area Director.

Approved:

PERRY E. SHARRA,
Acting Associate Commissioner
of Indian Affairs.

[F.R. Doc. 70-2684; Filed, Mar. 4, 1970;
8:47 a.m.]

Bureau of Land Management ALASKA

Notice of Filing Plats of Surveys

FEBRUARY 25, 1970.

1. Plats of surveys of the lands described below will be officially filed in the Fairbanks District and Land Office, Fairbanks, Alaska, effective 10 a.m., April 1, 1970.

(a)—

FAIRBANKS MERIDIAN

T. 1 S., R. 4 W. (Group 110),
Tract "A";
Tract "B";
Sec. 27 W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 28 all;
Sec. 29 all.

The areas described above aggregate 10,663.94 acres.

This survey is located about 18 miles west of Fairbanks, Alaska. The land is mostly gently rolling to hilly, with some nearly level land along Goldstream Creek. The land is well covered with timber of mixed small to large spruce, birch, and aspen. The soil is mostly clay with some rock, sand and alluvial silt. Goldstream with its tributaries are the main water courses. There are numerous lakes in Sec. 28.

(b)—

FAIRBANKS MERIDIAN

T. 2 S., R. 6 W. (Group 110),
Tract "A";
Tract "B";
Sec. 29 NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33-36 all.

The areas described above aggregate 13,279.34 acres.

This survey is located about 32 miles southwesterly from Fairbanks, Alaska. The land contains spruce, birch and poplar. The soil is brown, sandy silt with some clay. The steeper slopes tend to be rocky. Elevation ranges from 600 to 1,400 feet above sea level.

2. Both surveys were initiated to accommodate Alaska State Selections (only) in accordance with and subject to the limitations and requirements of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339) and the regulations in 43 CFR 222.9-1(a) and 43 CFR Part 1840.

3. Inquiries concerning the lands should be addressed to the Manager, Fairbanks District and Land Office, Post Office Box 1150, Fairbanks, Alaska 99701.

JOYCE A. FLESCHÉ,
Acting Manager, Fairbanks District
and Land Office.

[F.R. Doc. 70-2653; Filed, Mar. 4, 1970;
8:45 a.m.]

ALASKA

Notice of Filing Plat of Survey

FEBRUARY 25, 1970.

1. Plat of survey of the land described below will be officially filed in the Fairbanks District and Land Office, Fairbanks, Alaska, effective 10 a.m., April 6, 1970.

FAIRBANKS MERIDIAN

T. 3 N., R. 2 E.,
Sec. 31 all;
Sec. 30 S $\frac{1}{2}$.

The areas described above aggregate 918.29 acres.

2. The area surveyed is located on what is locally known as Cleary Summit. The Steese Highway runs through a portion of the northwest quarter of section 31. The terrain is mountainous. The soil is wind-blown silt and rocky with very little humus. The timber is small size spruce and aspen, undergrowth is largely berry bushes.

3. This survey was executed to accommodate two valid claims and a State Selection.

4. Inquiries concerning the lands should be addressed to the Manager, Fairbanks District and Land Office, Post Office Box 1150, Fairbanks, Alaska 99701.

JOYCE A. FLESCHÉ,
Acting Manager,
Fairbanks District and Land Office.

[F.R. Doc. 70-2654; Filed, Mar. 4, 1970;
8:45 a.m.]

[S-1588A, S-857A]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

FEBRUARY 27, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands described in paragraph 3 for transfer out of Federal ownership under one or more of the below stated statutes.

2. Publication of this notice has the effect of segregating the following described public lands from all forms of disposal under the public land laws, including the mining laws, except the form or forms of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or govern the disposal of their mineral and vegetative resources, other than under the mining laws.

3. The below-described lands proposed to be classified for disposal are located in Alameda, Contra Costa, Santa Clara, Santa Cruz, and Monterey Counties. The proposals have been discussed and analyzed in detail with the counties and with other agencies, groups and individuals. Maps and other information are available for inspection in the Folsom District Office, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630.

MOUNT DIABLO MERIDIAN, CALIFORNIA

For disposal pursuant to the Public Land Sale Act of September 19, 1964 (43 U.S.C. 815g):

ALAMEDA COUNTY

T. 3 S., R. 2 E.,
Sec. 15, lot 5.

CONTRA COSTA COUNTY

T. 2 N., R. 2 W.,
Sec. 1, lot 5.
T. 1 S., R. 1 W.,
Sec. 17, lots 21 and 24.

MONTEREY COUNTY

T. 22 S., R. 10 E.,
Sec. 33, lot 6.
The public lands described above aggregate approximately 16.53 acres.
For disposal at public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171):

CONTRA COSTA COUNTY

T. 2 N., R. 1 W.,
Sec. 17, lots 9 and 10.

SANTA CLARA COUNTY

T. 6 S., R. 4 E.,
Sec. 19, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 10 S., R. 5 E.,
Sec. 6, lot 3;
Sec. 22, lot 6;
Sec. 35, lot 1.
T. 10 S., R. 6 E.,
Sec. 31, lots 5, 6, 7, and 8.
T. 11 S., R. 6 E.,
Sec. 2, lot 10.

MONTEREY COUNTY

T. 17 S., R. 3 E.,
Sec. 29, lot 2.
T. 18 S., R. 3 E.,
Sec. 24, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 18 S., R. 4 E.,
Sec. 35, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 13 S., R. 4 E.,
Sec. 28, lots 5 and 6.
T. 14 S., R. 4 E.,
Sec. 24, lot 1;
Sec. 36, lots 1, 2, 3, and 4, and NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 17 S., R. 4 E.,
Sec. 28, S $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 14 S., R. 5 E.,
Sec. 30, lot 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 31, lots 2, 6, 7, 8, and 9.
T. 15 S., R. 5 E.,
Sec. 9, lots 4, 5 and 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 10, lot 4 and S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 12, lots 1, 2, 3, 6, 7, and 8;
Sec. 13, lots 1, 2, 7 and 9;
Sec. 14 lots 5, 9, 11, 12, 13, and 14;
Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 23, lot 23;
Sec. 24, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 18 S., R. 5 E.,
Sec. 31, lots 1, 10, 11, and 20, and W $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 33, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 19 S., R. 5 E.,
Sec. 1, lot 3;
Sec. 6, lot 2.
T. 15 S., R. 6 E.,
Sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 16 S., R. 6 E.,
Sec. 29, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 17 S., R. 7 E.,
Sec. 34, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 36, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 18 S., R. 7 E.,
Sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7, lot 4;
Sec. 10, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 20 S., R. 7 E.,
Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 21 S., R. 7 E.,
Sec. 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 11, S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 18, lots 5, 6, and 7;

NOTICES

Sec. 24, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 25, N $\frac{1}{2}$ NW $\frac{1}{4}$.
 T. 18 S., R. 8 E.,
 Sec. 6, lot 2 and SW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 22 S., R. 8 E.,
 Sec. 27, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 24 S., R. 8 E.,
 Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 22 S., R. 9 E.,
 Sec. 15, lot 4;
 Sec. 22, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 23, NW $\frac{1}{4}$.
 T. 23 S., R. 9 E.,
 Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 13, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 17, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 24 S., R. 9 E.,
 Sec. 31, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 21 S., R. 10 E.,
 Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 22 S., R. 10 E.,
 Sec. 33, lot 3.
 T. 23 S., R. 10 E.,
 Sec. 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 24 S., R. 10 E.,
 Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 27, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 22 S., R. 11 E.,
 Sec. 15, lots 11 and 14;
 Sec. 22, lots 2, 3, 6, and 7;
 Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 23 S., R. 11 E.,
 Sec. 2, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 22 S., R. 12 E.,
 Sec. 9, lot 5;
 Sec. 13, lot 2;
 Sec. 28, lot 15;
 Sec. 33, lots 2, 3, 6, and 9, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, N $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 23 S., R. 12 E.,
 Sec. 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 6, lots 2 and 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 17, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 18, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 23 S., R. 13 E.,
 Sec. 5, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 11, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 21, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 22, W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 25, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 32, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 24 S., R. 13 E.,
 Sec. 4, lot 4;
 Sec. 5, lots 1 and 2.
 T. 22 S., R. 14 E.,
 Sec. 32, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 23 S., R. 14 E.,
 Sec. 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 30, E $\frac{1}{2}$ NW $\frac{1}{4}$.
 T. 24 S., R. 14 E.,
 Sec. 4, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13, W $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 24 S., R. 16 E.,
 Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

The public lands described above aggregate approximately 6,669.63 acres.
 For lease or sale under the Recreation and Public Purposes Act (44 Stat. 741):

SANTA CRUZ COUNTY

T. 10 S., R. 2 E.,
 Sec. 20, lots 1, 2, and 9.
 T. 8 S., R. 2 W.,
 Sec. 18, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

MONTEREY COUNTY

T. 19 S., R. 6 E.,
 Sec. 23, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 24, lots 12 and 13.

The public lands described above aggregate approximately 296.07 acres.

4. For a period of 60 days from the date of publication of this notice in

the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Folsom District Manager, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630.

For the State Director.

DELMAR D. VAIL,
District Manager.

[F.R. Doc. 70-2687; Filed, Mar. 4, 1970;
 8:48 a.m.]

[Serial No. N-1574]

NEVADA

Notice of Classification of Public Lands for Multiple-Use Management

FEBRUARY 27, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing or material sale laws, with the exception contained in paragraph 3. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The record showing the comments received following publication of a notice of Proposed Classification (33 F.R. 251), or at the public hearing at Tonopah, Nev., which was held on February 5, 1969, and other information is on file and can be examined at the Nevada Land Office. The public lands affected by this classification are located within the following described area and are shown on map designated N-1574 in the Battle Mountain District Office, Bureau of Land Management, Battle Mountain, Nev. 89820, and the Nevada Land Office, Bureau of Land Management, Room 3104, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The overall description of the area is:

NYE COUNTY

MOUNT DIABLO MERIDIAN, NEVADA

The public lands proposed to be classified are wholly located within Nye County, Nev.

The area described aggregates approximately 6,236,200 acres of public land.

3. The public lands listed below are further segregated from all forms of appropriation under the public land laws, including the general mining laws, but not the Recreation and Public Purposes Act (44 Stat. 741, 68 Stat. 173; 43 U.S.C.

869) or the mineral leasing and material sale laws:

MOUNT DIABLO MERIDIAN, NEVADA

BIG DUNES

T. 15 S., R. 48 E.,
 Sec. 16, all;
 Sec. 17, all.

MOUNT MOREY WILDLIFE-LIVESTOCK ENCLOSURE, MOREY BENCH FORAGE IMPROVEMENT TEST PLOT

T. 9 N., R. 51 E.,
 Sec. 21, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 27, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

LUNAR CRATER

T. 6 N., R. 52 E.,
 Sec. 12, S $\frac{1}{2}$;
 Sec. 13, all.

LUNAR CRATER

T. 6 N., R. 53 E.,
 Sec. 7, SW $\frac{1}{4}$;
 Sec. 18, W $\frac{1}{2}$.

The areas described above aggregate approximately 2,800 acres of public land.

4. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 70-2705; Filed, Mar. 4, 1970;
 8:49 a.m.]

[OR 4971]

OREGON

Notice of Classification of Public Lands for Disposal by Exchange

FEBRUARY 26, 1970.

Pursuant to section 2 of the act of September 19, 1964 (43 U.S.C. 1412), and to regulations in 43 CFR 2411.1(c), the lands described below are hereby classified for disposal through exchange, under the act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g; 43 CFR Part 2244), for lands within the Prineville District. A public hearing was held in Prineville January 14. The proposed classification received no protests.

WILLAMETTE MERIDIAN

T. 1 N., R. 12 E.,
 Sec. 11, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 35, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 2 N., R. 12 E.,
 Sec. 11, lot 2 and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 33, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 1 S., R. 12 E.,
 Sec. 1, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 1 S., R. 13 E.,
 Sec. 6, fractional NW $\frac{1}{4}$ NE $\frac{1}{4}$ and fractional NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 5 S., R. 133 E.,
 Sec. 14, lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 15, lot 1, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, lot 2.
 T. 5 S., R. 15 E.,
 Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 21, SE $\frac{1}{4}$;
 Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

- T. 5 S., R. 16 E.,
 Sec. 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 23, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 25, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 6 S., R. 15 E.,
 Sec. 3, E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 11, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 6 S., R. 16 E.,
 Sec. 1, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 3, lots 2 and 3, and SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 11, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 12, N $\frac{1}{2}$ NE $\frac{1}{2}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 27, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 31, lots 1 and 2, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 33, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 6 S., R. 17 E.,
 Sec. 6, lots 3, 5, and 6.
- T. 7 S., R. 15 E.,
 Sec. 12, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 7 S., R. 16 E.,
 Sec. 5, lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 10 S., R. 18 E.,
 Sec. 26, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 10 S., R. 19 E.,
 Sec. 26, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 30, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 31, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 10 S., R. 23 E.,
 Sec. 28, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 32, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 33, N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ S $\frac{1}{2}$.
- T. 11 S., R. 19 E.,
 Sec. 1, lot 3;
 Sec. 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 12, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13, W $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 11 S., R. 20 E.,
 Sec. 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 10, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 12, lots 5 to 16, inclusive;
 Sec. 19, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 21, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 24, lot 14;
 Sec. 26, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 28, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 30, lot 3.
- T. 11 S., R. 21 E.,
 Sec. 18, lots 1, 2, 3, and 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 Sec. 32, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, S $\frac{1}{2}$ S $\frac{1}{2}$.
- T. 12 S., R. 25 E.,
 Sec. 32, NE $\frac{1}{4}$;
 Sec. 34, W $\frac{1}{2}$ W $\frac{1}{2}$.
- T. 13 S., R. 21 E.,
 Sec. 31, lot 3;
 Sec. 32, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 13 S., R. 24 E.,
 Sec. 9, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 12, E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 24, S $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 13 S., R. 25 E.,
 Sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 7, lot 6;
 Sec. 17, E $\frac{1}{2}$, NW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 18, lots 1, 8, 9, and 10, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 19, lots 1, 2, 3, and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 Sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 21, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 14 S., R. 11 E.,
 Sec. 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 24, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 14 S., R. 13 E.,
 Sec. 13, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 22, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
 Sec. 26, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 28, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 14 S., R. 14 E.,
 Sec. 24, N $\frac{1}{2}$ N $\frac{1}{2}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 26, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 14 S., R. 20 E.,
 Sec. 1, lot 1;
 Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ N $\frac{1}{2}$.
- T. 14 S., R. 21 E.,
 Sec. 1, S $\frac{1}{2}$ S $\frac{1}{2}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 2, lots 1, 3, and 4;
 Sec. 3, lots 1 and 2, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 6, lot 4;
 Sec. 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 12, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 13, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 14, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 17, S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 18, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 19, lot 1;
 Sec. 20, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 21, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 24, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 28, S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 29, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 15 S., R. 10 E.,
 Sec. 12, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$.
- T. 15 S., R. 11 E.,
 Sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 18, E $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 15 S., R. 15 E.,
 Sec. 8, E $\frac{1}{2}$.
- T. 15 S., R. 17 E.,
 Sec. 12, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 15 S., R. 18 E.,
 Sec. 6, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 18, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 16 S., R. 12 E.,
 Sec. 33, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 34, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 16 S., R. 15 E.,
 Sec. 24, E $\frac{1}{2}$ E $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 25, S $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 16 S., R. 16 E.,
 Sec. 4, lots 1, 2, and 3, and SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 6, lot 5, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 14, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 18, lots 1 and 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 19, lots 1, 2, 3, and 4, W $\frac{1}{2}$ E $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 30, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 16 S., R. 18 E.,
 Sec. 13, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 24, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 16 S., R. 19 E.,
 Sec. 4;
 Sec. 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 12, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 17, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 18, lots 1 and 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 21, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 27, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 32, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 33, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 17 S., R. 13 E.,
 Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 27, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 32, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.
- T. 17 S., R. 14 E.,
 Sec. 15, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 27, W $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 17 S., R. 24 E.,
 Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 34, E $\frac{1}{2}$ NE $\frac{1}{4}$.
- T. 18 S., R. 13 E.,
 Sec. 3, NW $\frac{1}{4}$;
 Sec. 6, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 7, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 8, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 15, W $\frac{1}{2}$;
 Sec. 17, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 18, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 19, E $\frac{1}{2}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$.
- T. 19 S., R. 24 E.,
 Sec. 2;
 Sec. 14, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22.
- T. 19 S., R. 25 E.,
 Sec. 8, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 20 S., R. 23 E.,
 Sec. 36.
- T. 20 S., R. 24 E.,
 Sec. 8, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 18;
 Sec. 30.
- T. 21 S., R. 20 E.,
 Sec. 12, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 24, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 25, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 26, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 33, S $\frac{1}{2}$ SW $\frac{1}{4}$.
- T. 21 S., R. 24 E.,
 Sec. 4;
 Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
 Sec. 16, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 Sec. 18, E $\frac{1}{2}$ E $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 20;
 Sec. 30.
- T. 22 S., R. 20 E.,
 Sec. 1, lots 4, 5, 6, and 7;
 Sec. 3, SE $\frac{1}{4}$;
 Sec. 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 9, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 10, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 11, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 12, W $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 22 S., R. 21 E.,
 Sec. 4, E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 7, lot 4;
 Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 22, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$.

The areas described aggregate approximately 31,380 acres.

In accordance with 43 CFR 2244.1-2 (a) and (b)(1), no application for an exchange will be accepted unless the application is accompanied by a statement from the Prineville District Manager that the proposal is feasible.

Information concerning these lands is available at the Prineville District Office, Bureau of Land Management, 185 East Fourth Street, Prineville, Oreg. 97754.

MURL W. STORMS,
Acting State Director.

[F.R. Doc. 70-2685; Filed, Mar. 4, 1970;
8:48 a.m.]

[OR 5709]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 27, 1970.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 5709, for the withdrawal of the national forest lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands for use as an addition to a roadside zone withdrawn by Public Land Order 1867 dated May 28, 1959 (Oregon 03588) along U.S. Highway No. 26.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report or consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN
OCHOCO NATIONAL FOREST

Ochoco Highway (U.S. No. 26) Zone Addition
A strip of land 300 feet wide on both sides of the centerline of U.S. Highway No. 26, through the following subdivisions:

T. 13 S., R. 18 E.,
Sec. 36, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and
W $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 14 S., R. 18 E.,
Sec. 1, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and
NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 13 S., R. 19 E.,
Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 30, lots 2, 3, and 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$.

The areas described aggregate 250 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 70-2686; Filed, Mar. 4, 1970;
8:48 a.m.]

Fish and Wildlife Service

[Docket No. A-527]

IKHTUN, INC.

Notice of Loan Application

MARCH 3, 1970.

Ihktun, Inc., Post Office Box 2547, Kodiak, Alaska 99615, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 82.3-foot registered length wood vessel to engage in the fishery for crab and herring.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Acting Chief,
Division of Financial Assistance.

[F.R. Doc. 70-2765; Filed, Mar. 4, 1970;
8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FOOD AND NUTRITION SERVICE

Assignment of Functions

Pursuant to the authority contained in 5 U.S.C. 310 and Reorganization Plan No. 2 of 1953, the Statement of Organization, Delegations of Authority and Assignment of Functions published on December 3, 1964 (29 F.R. 16210 et seq.), as amended, is further amended as follows:

Section 200 is amended by adding a new subparagraph (4) at the end of paragraph b to read:

(4) Section 210 of the Agricultural Act of 1956 (7 U.S.C. 1859), except with respect to donations to Federal penal and correctional institutions.

Signed at Washington, D.C., this 28th day of February 1970.

RICHARD E. LYNK,
Assistant Secretary of Agriculture.

[F.R. Doc. 70-2659; Filed, Mar. 4, 1970;
8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-246]

THE OCEANIC STEAMSHIP COMPANY

Notice of Application

Notice is hereby given that The Oceanic Steamship Co. has filed an application, dated February 4, 1970, requesting written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to permit the "SS Monterey" to carry one-way passengers in either direction between California and Hawaii on a cruise voyage commencing April 26, 1970, and terminating about May 17, 1970, which cruise includes calls at San Diego, Los Angeles, San Francisco, Honolulu, Navillill, Lahaina, Hilo, Kailua (Kona), Honolulu, Los Angeles, San Francisco.

Interested parties may inspect this application in the Office of Subsidy Administration, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on March 16, 1970, file same with the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

Notwithstanding anything in § 201.78 of the rules of practice and procedure (46 CFR Part 201), petitions for leave to intervene received after the close of busi-

ness on March 16, 1970, will not be considered in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for March 19, 1970, at 10 a.m., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the proposed domestic service involved or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: March 3, 1970.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70-2787; Filed, Mar. 4, 1970;
10:21 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration FORMETANATE HYDROCHLORIDE Notice of Extension of Temporary Tolerance

Nor-Am Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, Ill. 60098 (formerly Morton Chemical Co.), was granted a temporary tolerance for residues of the insecticide formetanate hydrochloride (*m*-[[dimethylamino]methylene]amino]phenyl methylcarbamate hydrochloride) in or on the raw agricultural commodity group citrus fruits at 4 parts per million on March 21, 1969 (notice was published in the FEDERAL REGISTER of March 28, 1969 (34 F.R. 5857)), which will expire March 21, 1970.

The firm has requested a 1-year extension of the temporary tolerance for obtaining additional experimental data. The Commissioner of Food and Drugs concludes that such extension will protect the public health.

A condition under which this temporary tolerance is extended is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Nor-Am Agricultural Products, Inc., name.

As extended, this temporary tolerance expires March 21, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and

Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 25, 1970.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-2679; Filed, Mar. 4, 1970;
8:47 a.m.]

Social Security Administration BELGIUM

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t) (1) of the Social Security Act (42 U.S.C. 402(t) (1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t) (2) through 202(t) (5) of the Social Security Act (42 U.S.C. 402(t) (2) through 402(t) (5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t) (2) of the Social Security Act (42 U.S.C. 402(t) (2)) provides that section 202(t) (1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority vested in the Commissioner of Social Security by the Secretary of Health, Education, and Welfare, and redelegated to him, the Director of the Bureau of Retirement and Survivors Insurance has approved a finding that Belgium has a social insurance system of general application in effect which pays periodic benefits on account of old age, retirement, or death, but that under its social insurance system citizens of the United States, not citizens of Belgium, who leave Belgium, are not permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Belgium has in effect a social insurance system which is of general application in that country and which meets the requirements of section 202(t) (2) (A) of the Social Security Act (42 U.S.C. 402(t) (2) (A)), but not the requirements of section 202(t) (2) (B) of the Act (42 U.S.C. 402(t) (2) (B)).

The provisions of subparagraphs (A) and (B) of section 202(t) (4) of the Social Security Act (42 U.S.C. 402(t) (4) (A) and (B)) provide that section

202(t) (1) shall not be applicable to benefits payable on the earnings record of an individual who has 40 quarters of coverage under social security or who has resided in the United States for a period or periods aggregating 10 years or more. However, effective July 1, 1968, the provisions of subparagraphs (A) and (B) of section 202(t) (4) shall not apply to an individual who is a citizen of a foreign country that has in effect a social insurance or pension system which is of general application in such country and which satisfies the provisions of subparagraph (A) of section 202(t) (2) but not the provisions of subparagraph (B) of section 202(t) (2).

By virtue of the finding herein, the provisions of subparagraphs (A) and (B) of section 202(t) (4) do not apply to citizens of Belgium beginning July 1, 1968.

This augments the finding with respect to Belgium published in the FEDERAL REGISTER of July 9, 1960 (25 F.R. 6489).

Dated: February 24, 1970.

HUGH F. McKENNA,
Director, Bureau of Retirement
and Survivors Insurance.

[F.R. Doc. 70-2701; Filed, Mar. 4, 1970;
8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21866-4]

DOMESTIC PASSENGER-FARE INVESTIGATION

Notice of Prehearing Conference

Phase 4—Joint Fares; see Orders 70-2-121, 70-1-147, 70-1-148, and 70-1-159.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 20, 1970, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner E. Robert Seaver.

Statements of proposed issues, proposed procedural dates, and requests for evidence should be filed by Bureau Counsel on or before March 10, 1970; by air carrier parties named in Orders 70-1-147 and 70-1-148, and by any other parties, on or before March 17, 1970.

Dated at Washington, D.C., February 27, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-2715; Filed, Mar. 4, 1970;
8:50 a.m.]

[Docket No. 21866-6]

DOMESTIC PASSENGER-FARE INVESTIGATION

Notice of Prehearing Conference

Phase 6—Load factor and seating configurations (see Orders 70-2-121, 70-1-147, and 70-1-63).

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 23, 1970, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner James S. Keith.

Statements of proposed issues, proposed procedural dates, and requests for evidence should be filed by Bureau Counsel on or before March 13, 1970; by the air carrier parties named in Orders 70-1-147 and 70-1-63, and by any other parties, on or before March 20, 1970.

Dated at Washington, D.C., February 27, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-2716; Filed, Mar. 4, 1970;
8:50 a.m.]

[Docket No. 21866-7]

DOMESTIC PASSENGER-FARE INVESTIGATION

Notice of Prehearing Conference

Phase 7—fare level, see Orders 70-2-121 and 70-1-147.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 26, 1970, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Thomas P. Sheehan.

Statements of proposed issues, proposed procedural dates, and requests for evidence should be filed by Bureau Counsel on or before March 16, 1970; by the air carrier parties named in Order 70-1-147, and by any other parties, on or before March 23, 1970.

Dated at Washington, D.C., February 27, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-2717; Filed, Mar. 4, 1970;
8:50 a.m.]

[Docket No. 21866-8]

DOMESTIC PASSENGER-FARE INVESTIGATION

Notice of Prehearing Conference

Phase 8—rate of return, see Orders 70-2-121 and 70-1-147.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 30, 1970, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Harry H. Schneider.

Statements of proposed issues, proposed procedural dates, and requests for evidence should be filed by Bureau Counsel on or before March 20, 1970; by the air carrier parties named in Order 70-1-147, and by any other parties, on or before March 27, 1970.

Dated at Washington, D.C., February 27, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-2718; Filed, Mar. 4, 1970;
8:50 a.m.]

[Docket No. 21866-9]

DOMESTIC PASSENGER-FARE INVESTIGATION

Notice of Prehearing Conference

Phase 9—fare structure, see Orders 70-2-121 and 70-1-147.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 6, 1970, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert M. Johnson.

Statements of proposed issues, proposed procedural dates, and requests for evidence should be filed by Bureau Counsel on or before March 26, 1970; by air carrier parties named in Order 70-1-147, and by any other parties, on or before April 2, 1970.

Dated at Washington, D.C., February 27, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-2719; Filed, Mar. 4, 1970;
8:50 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 59]

BASS FINANCIAL CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Unity Savings and Loan Association

MARCH 2, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Bass Financial Corp., Norridge, Ill., for approval of acquisition of control of the Unity Savings and Loan Association, Norridge, Ill., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of stock of Unity Savings and Loan Association for stock of Bass Financial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] G. L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 70-2710; Filed, Mar. 4, 1970;
8:49 a.m.]

[H.C. No. 60]

WESTERN AND SOUTHERN LIFE INSURANCE CO.

Notice of Receipt of Application for Permission To Acquire Control of Eagle Savings and Loan Association

MARCH 2, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from The Western and Southern Life Insurance Co., Cincinnati, Ohio, for approval of acquisition of control of the Eagle Savings and Loan Association, Cincinnati, Ohio, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash by the applicant of the stock of Eagle Savings and Loan Association from Wabash Consolidated Corp., a savings and loan holding company which controls Eagle Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] G. L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 70-2711; Filed, Mar. 4, 1970;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2584 etc.]

MOBIL OIL CORP. ET AL.

Findings and Order

FEBRUARY 26, 1970.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, making rate change effective, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to or discontinue in part natural gas service in interstate commerce as indicated

in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Tenneco Oil Co. (Operator) et al., applicant in Docket No. CI70-498, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-2584 to be made pursuant to Mobil Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 212. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI69-201. Therefore, applicant will be made a co-respondent in said proceeding and the proceeding will be redesignated accordingly.

Texas Pacific Oil Co., Inc., applicant in Docket No. CI70-506, proposes to continue the sale of natural gas from its own interests heretofore authorized in Docket No. CI62-1184 to be made pursuant to Atlantic Richfield Co. (Operator) et al., FPC Gas Rate Schedule No. 481. Applicant has filed as its own rate schedule an instrument of ratification of Atlantic Richfield's rate schedule. The presently effective rate under Atlantic Richfield's rate schedule is in effect subject to refund in Docket No. RI69-20. Applicant has filed a motion to be made a co-respondent in said proceeding, together with an agreement and undertaking to assure the refund of all amounts collected subject to refund for sales from its interests in the producing property. Therefore, applicant will be made a co-respondent in the proceeding pending in Docket No. RI69-20; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Phil W. Phillips, as applicant in Docket No. CI70-505, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI62-7 to be made pursuant to Oklahoma Natural Gas Co. FPC Gas Rate Schedule No. 18 and, as applicant in Docket No. CI70-510, proposes to continue in part the sales of natural gas heretofore authorized in Dockets Nos. G-18933 and G-18708 to be made pursuant to Apache Corporation FPC Gas Rate Schedule No. 12 and Atlantic Richfield Co. FPC Gas Rate Schedule No. 203, respectively. The contracts comprising said rate schedules will also be accepted for filing as rate schedules of applicant. The presently effective rate under Oklahoma Natural's rate schedule is in effect subject to refund in Docket No. RI68-22. Oklahoma Natural collected a prior increased rate for a locked-in period subject to refund in Docket No. RI66-232. The presently effective rate under Apache's rate schedule is in effect subject to refund in Docket No. RI66-366.

The presently effective rate under Atlantic Richfield's rate schedule is in effect subject to refund in Docket No. RI63-90. On May 12, 1969, Atlantic Richfield filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 203. By order issued May 29, 1969, in Docket No. RI69-765 et al., the Commission suspended the proposed change in Docket No. RI69-774 until November 29, 1969, and thereafter until made effective. The notice of change was designated as Supplement No. 11 to the subject rate schedule. On September 24, 1969, Atlantic Richfield filed a motion to make the change in rate effective subject to refund on December 1, 1969. Applicant has filed motions to be made a co-respondent in each of the aforementioned rate proceedings together with agreements and undertakings to assure the refunds of any amounts collected by him in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, applicant will be made a co-respondent in each proceeding; the proceedings will be redesignated accordingly; the change in rate filed by Atlantic Richfield will be made effective subject to refund with respect to sales from the properties assigned to applicant; and the agreements and undertakings will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, petitions to intervene and a notice of intervention were filed in the following dockets:

Docket No.	Interveners
G-4820 -----	The Brooklyn Union Gas Co., Long Island Lighting Co., The Public Service Commission of the State of New York.
CI69-630 -----	The Brooklyn Union Gas Co.

Said petitions and notice have either been withdrawn or are not in opposition to the granting of the application and petition to amend. No other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on February 19, 1970, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service

under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Tenneco Oil Co. (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI69-201 and that said proceeding should be redesignated accordingly.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Texas Pacific Oil Co., Inc., should be made a co-respondent in the proceeding pending in Docket No. RI69-20; that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by Texas Pacific should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Phil W. Phillips

should be made a correspondent in the proceedings pending in Dockets Nos. RI66-232, RI66-366, RI68-22, RI68-90, and RI69-774; that said proceedings should be redesignated accordingly; that the proposed change in rate suspended in Docket No. RI69-774 should be made effective subject to refund with respect to sales from properties assigned to Phil W. Phillips; and that the agreements and undertakings submitted by him should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The rate for the sale authorized in Docket No. G-4820 shall be 16 cents per Mcf at 14.65 p.s.i.a.

(b) The rate for the sale authorized in Docket No. CI68-1435 shall be 15 cents per Mcf at 14.65 p.s.i.a.

(c) The rate for the sale authorized in Docket No. CI70-454 shall be 17 cents

per Mcf at 14.65 p.s.i.a. subject to B.t.u. adjustment.

(d) The initial rate for sales authorized in Dockets Nos. CI69-1213 and CI70-461 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61-1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area, so as to increase the initial wellhead price for new gas applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(e) In Docket No. CI70-480 the provision contained in article IX, Part 2 of the contract which provides for rate increases to a higher applicable area rate or area settlement will only be applicable upon Commission approval of just and reasonable rates or settlement rates in an applicable area rate proceeding.

(f) Applicants in Dockets Nos. CI69-1213, CI70-461, and CI70-466 shall not require buyers to take-or-pay for an annual quantity of gas-well gas during the first 2 contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas-well gas reserves and 1 Mcf per day for each 7,300 Mcf of determined gas reserves thereafter.

(g) Applicant in Docket No. CI70-480 shall not require buyer to take-or-pay for an annual quantity of gas-well gas which is in excess of an average of 1 Mcf per day for each 7,300 Mcf of determined gas-well gas or the specified contract quantity, whichever is the lesser amount.

(h) The certificates issued in Dockets Nos. CI70-501 and CI70-508 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R-338 with respect to the transportation of liquefiable hydrocarbons.

(i) The certificate issued in Docket No. CI69-630 shall be subject to Opinion Nos. 546 and 546-A, and accompanying orders, specifically including those relating to rate reductions, refunds and filings required by those orders.

(E) Within 45 days from the date of this order applicant in Docket No. G-7500 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468-A for the sale authorized herein.

(F) Within 30 days from the date of this order applicant in Docket No. CI70-523 shall file three copies of a revised billing statement showing the total proposed rate of 28 cents per Mcf at 15.325 p.s.i.a. as required by the regulations under the Natural Gas Act.

(G) Within 30 days from the date of this order applicant in Docket No. CI70-531 shall file three copies of a billing statement as required by the regulations under the Natural Gas Act.

(H) The certificates issued in Dockets Nos. CI70-501 and CI70-508 involving the sales of gas by Anadarko Production Co. to its affiliate, Panhandle Eastern

Pipe Line Co., determine the rates which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceedings involving either company.

(I) The orders issuing certificates in Dockets Nos. G-4820, G-7500, G-13679, CI65-466, CI66-53, CI68-1435, CI69-55, CI69-197, CI69-761, and CI69-1213 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(J) The related rate schedule in Docket No. CI66-53 is redesignated from Mobil Oil Corp. (Operator) et al., to Mobil Oil Corp. as described in the tabulation herein.

(K) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to Delete Acreage	New Certificate
G-2584 -----	CI70-498
G-11589 -----	CI68-759
G-14515 -----	CI69-630
G-14835 -----	CI69-630
G-18708 -----	CI70-510
G-18933 -----	CI70-510
CI61-336 -----	CI70-505
CI62-7 -----	CI70-505
CI62-1016 -----	CI69-630
CI62-1184 -----	CI70-506
CI65-522 -----	CI70-442
CI66-1301 -----	CI70-515
CI67-637 ¹ -----	CI69-630
CI67-1799 -----	CI70-482

¹ Temporary certificate.

(L) The orders issuing certificates in Dockets Nos. CI65-494, CI66-1050, CI67-536, and CI67-1213 are amended by substituting the successors in interest as certificate holders.

(M) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(N) Permission for and approval of the abandonment in Docket No. CI70-534 shall not be construed to relieve applicant of any refund obligations in the rate proceeding pending in Docket No. RI60-211 and applicant is not relieved of any refunds that may be ordered in the proceeding in Docket No. G-8938.

(O) Permission for and approval of the abandonment is granted in Docket No. CI68-1162; the temporary certificate in said docket is terminated; and such authorization shall not be construed to relieve applicant of any refunds that may be ordered in the proceeding in Docket No. CI68-1162.

(P) The certificates heretofore issued in Dockets Nos. G-8938 and CI62-174 are terminated.

(Q) Tenneco Oil Co. (Operator) et al. is made a co-respondent in the proceeding pending in Docket No. RI69-201 and said proceeding is redesignated accordingly. Tenneco shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(R) Texas Pacific Oil Co., Inc., is made a co-respondent in the proceeding pending in Docket No. R169-20; the proceeding is redesignated accordingly; and the agreement and undertaking submitted by Texas Pacific in said proceeding is accepted for filing. Texas Pacific shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(S) Phil W. Phillips is made a co-respondent in the proceedings pending in Dockets Nos. R166-232, R166-366, R168-22, R168-90, and R169-774 are accepted for filing and shall remain in full force and effect until discharged by the Commission.

(T) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted	Description and date of document	No.	Supp.
G-2584 D 9-20-69	Mobil Oil Corp. (Operator) et al.	Montana-Dakota Utilities Co., Slick Creek Field, Wichita County, Wyo.	Assignment 8-21-69 ¹²	Assignment 8-21-69 ¹²	212	11
C-4820 C 6-2-60	Tenneco, Inc. ³	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Raymondville Field, Wilhoey County, Tex.	Amendment 5-15-69 ⁴	Amendment 5-15-69 ⁴	55	10
C-7500 (CS66-48) G-13679 D 12-8-69	Pan American Petroleum Corp. Humble Oil & Refining Co.	El Paso Natural Gas Co., Sparberry Field, Reagan County, Tex. El Paso Natural Gas Co., East LaBarge Field, Lincoln and Sublette Counties, Wyo.	Assignment 7-14-69 ⁶ Effective date: 2-1-68 Assignment 11-14-67 ⁷ Assignment 11-14-67 ⁷ Assignment 1-18-63 ³¹	Assignment 7-14-69 ⁶ Effective date: 2-1-68 Assignment 11-14-67 ⁷ Assignment 11-14-67 ⁷ Assignment 1-18-63 ³¹	129	40
C165-468 D 12-18-69	Gulf Oil Corp. (Operator) et al.	Transwestern Pipeline Co., Waha Field, Reeves County, Tex.	Partial cancellation 12-10-69 ²⁸	Partial cancellation 12-10-69 ²⁸	210	8
C166-464 E 11-12-69 as amended 12-22-69 ⁸	Brammer Engineering, Inc. (successor to J. C. Trahan, Drilling Contractor, Inc.).	Texas Eastern Transmission Corp., North Liberty Hill Field, Blenville Parish, La.	J. C. Trahan, Drilling Contractor, Inc., FPC GRS No. 36 Supplement Nos. 1-4, 11-10-69. Notice of succession 11-10-69. Assignment 10-29-69 ¹⁰ Effective date: 11-1-69.	J. C. Trahan, Drilling Contractor, Inc., FPC GRS No. 36 Supplement Nos. 1-4, 11-10-69. Notice of succession 11-10-69. Assignment 10-29-69 ¹⁰ Effective date: 11-1-69.	10	1-4

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted	Description and date of document	No.	Supp.
C168-53 D 11-13-69	Mobil Oil Corp.	Northern Natural Gas Co., East Clark Area, Harper County, Okla. United Natural Gas Co., Knox Township, Jefferson County, Pa.	Notice of partial cancellation 11-10-69 ²¹	Notice of partial cancellation 11-10-69 ²¹	425	7
C169-1050 E 8-20-69	Donald W. Deltz (successor to Jefferson Elk Oil & Gas Co.).	Jefferson Elk Oil & Gas Co., FPO GRS No. 1. Notice of succession 7-17-69.	Assignment 8-25-69 Effective date: 8-25-69.	Assignment 8-25-69 Effective date: 8-25-69.	1	1
C167-538 E 8-20-69	do	United Natural Gas Co., Rose Township, Jefferson County, Pa.	Assignment 8-25-69 Effective date: 8-25-69.	Assignment 8-25-69 Effective date: 8-25-69.	2	1
C167-1213 E 12-8-69	Kirby Petroleum Co. et al. (successor to Kirby Royalties, Inc. et al.).	Mountain Fuel Supply Co., West Side Canal Area, Moffat County, Colo.	Assignment 2-3-69 Effective date: 2-3-69.	Assignment 2-3-69 Effective date: 2-3-69.	31	2
C168-769 (G-11550) F 12-18-67	Beko Petroleum Corp. (successor to Gulf Oil Corp.).	El Paso Natural Gas Co., Big Pinyon-East LaBarge Field, Sublette County, Wyo.	Assignment 2-24-69 Effective date: 2-24-69.	Assignment 2-24-69 Effective date: 2-24-69.	31	4
C168-1162 B 11-24-69 ¹¹	Sklar Producing Co., Inc. ¹³	Transcontinental Gas Pipe Line Corp., Vacherie Field, St. James Parish, La.	Supplemental Agreement 11-17-69.	Supplemental Agreement 11-17-69.	14	1
C168-1435 O 11-7-69 as amended 1-12-70	Diamond Shamrock Corp. et al. ¹⁴	Arkansas Louisiana Gas Co., acreage in LeFlore County, Okla.	Supplement 9-11-69 Ratified 9-16-69.	Supplement 9-11-69 Ratified 9-16-69.	51	2
C169-55 D 10-28-69	Westraus Petroleum, Inc. et al.	Consolidated Gas Supply Corp., or Grant District, Ritchie County, W. Va.	Letter agreement 11-28-69. ¹⁵	Letter agreement 11-28-69. ¹⁵	1	1
C169-107 O 12-4-69	Ashland Oil & Refining Co.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Supplemental agreement 10-28-69. ¹⁶	Supplemental agreement 10-28-69. ¹⁶	193	6
C169-630 (G-14515) (G-14835) F 1-2-69	Edwin L. Cox (successor to Gulf Oil Corp. and Southwest Gas Producing Co., Inc.).	Texas Gas Transmission Corp., Ramos Field, St. Mary Parish, La. (acreage limited to the C Sand Unit A).	Contract 11-22-67 ¹⁷ Letter agreement 11-29-61.	Contract 11-22-67 ¹⁷ Letter agreement 11-29-61.	77	1
(G-14515) ^{2a}	Gulf Oil Corp. (Operator) et al.	Texas Gas Transmission Corp., Ramos Field, St. Mary Parish, La.	Assignment 8-1-68 ¹⁸ Assignment 8-1-68 ¹⁸ Assignment 8-1-68 ¹⁸ Effective date: 8-1-68.	Assignment 8-1-68 ¹⁸ Assignment 8-1-68 ¹⁸ Assignment 8-1-68 ¹⁸ Effective date: 8-1-68.	338	6
C169-630 (C162-1016) F 1-2-69	Edwin L. Cox (successor to Gulf Oil Corp. (Operator) et al.).	Texas Gas Transmission Corp., Ramos Field, St. Mary Parish, La.	Contract 12-19-61 ¹⁹ Assignment 8-1-68 ²⁰ Assignment 9-4-68 ²¹	Contract 12-19-61 ¹⁹ Assignment 8-1-68 ²⁰ Assignment 9-4-68 ²¹	78	1
(C162-1016) ^{2a}	Gulf Oil Corp. (Operator) et al.	Texas Gas Transmission Corp., Ramos Field, St. Mary Parish, La.	Assignment 8-1-68 ²² Effective date: 8-1-68.	Assignment 8-1-68 ²² Effective date: 8-1-68.	355	5
C169-630 (C167-637) ²³	Edwin L. Cox (successor to Amerada Hess Corp.).	Texas Gas Transmission Corp., Ramos Field, St. Mary Parish, La.	Contract 10-17-60 ²⁴ Amendment 8-29-67 ²⁵ Assignment 9-24-68 ²⁶ Assignment 9-24-68 ²⁶ Effective date: 9-24-68.	Contract 10-17-60 ²⁴ Amendment 8-29-67 ²⁵ Assignment 9-24-68 ²⁶ Assignment 9-24-68 ²⁶ Effective date: 9-24-68.	79	1
(C167-637) ^{2a}	Amerada Hess Corp.	Texas Gas Transmission Corp., Ramos Field, St. Mary Parish, La.	Assignment 8-24-68 ²⁷ Effective date: 8-24-68.	Assignment 8-24-68 ²⁷ Effective date: 8-24-68.	70	2
C169-701 C 12-5-69	R. L. Moorehouse, Trustee.	United Gas Pipe Line Co., Edwings Field, San Patricio County, Tex.	Amendment 10-29-69	Amendment 10-29-69	1	1
C169-1213 O 11-20-69	King Resources Co.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Amendment 9-10-69 Compliance 12-22-69 ^{11a}	Amendment 9-10-69 Compliance 12-22-69 ^{11a}	21	2

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted Description and date of document	No.	Supp.
O170-512 A 12-2-69	Sheldon Petroleum Co.	Valley Gas Trans- mission Inc., Maestre Field, Goliad County, Tex.	Contract 11-17-69 ¹	1	1
O170-514 A 12-3-69	White Shield Oil & Gas Corp. (Operator) et al.	Panhandle Eastern Pipe Line Co., Masson East Field, Seward County, Kans.	Contract 10-16-69 ¹ Contract 9-23-69 ¹ Contract 9-24-69 ¹	3 3 3	2
O170-515 F 12-3-69	White Shield Oil & Gas Corp. (Operator) et al. (successor to Anadarko Production Co. (Operator) et al.).	do.	Contract 4-17-69 ¹ Assignment 10-23-69 ¹	2 2	2
O170-522 A 12-4-69	Hays and Co. agent for Lee Scott.	Consolidated Gas Supply Corp., Troy District, Glimer County, W. Va.	Contract 9-29-69 ¹	330	---
O170-523 A 12-4-69	Kovance Oil Co.	Consolidated Gas Supply Corp., Troy and De Kaib Districts, Glimer County, W. Va.	Contract 9-25-69 ¹	85	---
O170-524 A 12-4-69	Reeves Lewenthal.	Consolidated Gas Supply Corp., Philippi Dis- trict, Barbour County, W. Va.	Contract 10-7-69 ¹	7	---
O170-525 B 12-5-69	Bodew Co. (Operator) et al.	United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La.	Notice of cancellation 12-3-69 ¹	3	3
O170-530 A 12-8-69	Professional Oil Man- agement, Inc.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Contract 10-28-69	4	---
O170-531 A 12-4-69 ¹	Harold M. Phillips et al., d.b.a. J & H Productions.	Fennell United, Inc., Ten Mile District, Harrison County, W. Va.	Contract 4-12-69 ¹ Assignment 6-6-69 ¹ Effective date: 6-9-69	2	1
O170-532 A 12-8-69	Quaker State Oil Refin- ing Corp.	Fennell United, Inc., Grant District, Wetzel County, W. Va.	Contract 2-18-69 ¹	33	---
O170-533 A 12-8-69	A. C. Radford et al.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Contract 11-6-69	11	---
O170-534 B 12-8-69	Continental Oil Co. (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Datta Farms Field, Lafayette Parish, La.	Notice of cancellation 12-8-69 ¹	250	10
O170-535 A 12-10-69	Earlsboro Oil & Gas Co., Inc. (Operator) et al.	Clinton Oil Co., Goodson Lease, Kay County, Okla.	Contract 3-31-69	10	---
O170-536 A 12-10-69	do.	Clinton Oil Co., Car- michael Field, Kay County, Okla.	Contract 4-3-69	11	---
O170-537 A 12-10-69	Quaker State Oil Refining Corp. et al.	The Ohio Fuel Gas Co., Acreage in Meigs County, Ohio.	Contract 12-1-69	32	---

¹ Deletes certain leases which have been assigned to Tenneco Oil Co. Tenneco has applied for certificate authoriza-
tion in Docket No. O170-493.
² Effective date: Date of this order.
³ Contract rate is 17 cents per Mcf. however, Applicant is willing to accept permanent authorization at a rate of
16 cents per Mcf.
⁴ Adds acreage with depth limitations.
⁵ Adds acreage acquired from Thornton Petroleum Corp. et al., Docket No. CS66-48.
⁶ From Thornton Petroleum Corp. and F. M. Late to Pan American. Basic contract is the same as that comprising
Pan American's FPC GRS No. 123.
⁷ Deletes acreage assigned to Belco Petroleum Corp.
⁸ Includes Oct. 17, 1969, letter agreement releasing 80 acres from dedication. Cost of connection is estimated to be
22.93 cents per Mcf and is uneconomical for connection.
⁹ Revised contract summary amending the certificate application.
¹⁰ From J. O. Ibrahim, Drilling Contractor, Inc., to Applicant.
¹¹ Includes a letter dated Oct. 24, 1969, from Warren Petroleum Corp. (representative for Gulf Oil Corp.) stating
that Gulf's 25 percent interest, which was covered by Mobil's rate schedule has reverted to a 12.5 percent working
interest and is now covered by Gulf Oil Corp. FPC GRS No. 321.

FEDERAL REGISTER, VOL. 35, NO. 44—THURSDAY, MARCH 5, 1970

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted Description and date of document	No.	Supp.
O170-442 (G169-522) F 11-5-69	Harold A. Yaffee (successor to J. R. Abraham).	El Paso Natural Gas Co., Tapasco-Piedras Cliffs Pool, Rio Arriba County, N. Mex.	Contract 5-6-69 ¹ Supplemental Agreement 10-14-69 ²	2 2	2
O170-464 A 11-10-69	Curran Oil Co. et al.	Panhandle Eastern Pipe Line Co., Mocane- Laverne Field, Beaver County, Okla.	Operating agreement 2-8-69 ¹ Assignment 2-8-69 ¹ Effective date: 12-1-69 ¹ Contract 10-23-69 ¹ Compliance 12-24-69 ¹	2 2 2 2	4
O170-461 A 11-12-69	Walter Duncan (Operator) et al.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Contract 10-3-69 Compliance 12-16-69 ¹	8 8	1
O170-466 A 11-14-69	L. E. Jones Production Co. (Operator) et al.	Lone Star Gas Co., West Duncan Field, Stephens County, Okla.	Contract 10-15-69 Compliance 12-17-69 ¹	1	1
O170-480 A 11-21-69	Teneco, Inc. ¹	Natural Gas Pipeline Co. of America, Stroman Field, Jim Hogg County, Tex.	Contract 9-1-69 ¹	438	---
O170-482 (G167-1799) F 11-7-69	Samdan Oil Corp. (Operator) et al. (successor to Apache Corp. (Operator) et al.).	Transwestern Pipeline Co., King Field Area, Lipscomb County, Tex.	Letter agreement 7-9-69 ¹ Contract 6-12-67 ¹ Assignment 7-1-69 ¹	34 34 34	2
O170-498 (G-2984) F 11-21-69	Tenneco Oil Co. (Operator) et al. (successor to Mobil Oil Corp.).	Montana-Dakota Util- ities Co., Slick Creek Field, Washakie Coun- ty, Wyo.	Contract 12-15-63 ¹ Supplemental agreement 12-15-63 ¹	259 259	1
O170-501 A 11-28-69	Anadarko Production Co. ¹	Panhandle Eastern Pipe Line Co., Pecos Field, Cotton Grove Field, Grant County, Kans.	Contract 12-15-63 ¹ Supplemental agreement 12-15-63 ¹	259 259	2
O170-505 (G169-7) F 11-29-69	Phil W. Phillips (suc- cessor to Oklahoma Natural Gas Co.)	Northern Natural Gas Co., Laverne Area, Beaver County, Okla.	Assignment 8-28-64 ¹ Supplemental agreement 8-1-64 ¹	259 259	3
O170-505 (G161-330) F 11-29-69	Phil W. Phillips (suc- cessor to Apache Corp.).	El Paso Natural Gas Co., Laverne Area, Beaver County, Okla.	Supplemental agreement 6-4-69 ¹ Supplemental agreement 8-7-67 ¹	259 259	5
O170-506 (G169-1184) A 11-29-69 ¹	Texas Pacific Oil Co., Inc.	Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla.	Supplemental agreement 12-31-63 ¹ Contract 12-31-63 ¹	259 259	6
O170-508 A 12-1-69	Anadarko Production Co. ¹	Panhandle Eastern Pipe Line Co., acreage in Texas County, Okla.	Assignment 3-6-63 ¹ Contract 11-5-69 ¹	259 145	7
O170-510 (G-18703) F 12-1-69	Phil W. Phillips (successor to Atlantic Richfield Co.).	Michigan Wisconsin Pipe Line Co., Laverne Area, Beaver County, Okla.	Contract 2-16-69 ¹ Amendatory agreement 4-70-6 ¹	7 7	1
O170-510 (G-18933) F 12-1-69	Phil W. Phillips (successor to Apache Corp.).	do.	Amendatory agreement 7-1-65 ¹ Assignment 12-31-63 ¹ Effective date: 12-1-68 ¹ Contract 6-4-69 ¹ Amendatory agreement 3-1-60 ¹ Amendatory agreement 7-1-65 ¹ Assignment 12-31-63 ¹ Assignment 12-31-63 ¹ Effective date: 12-1-68 ¹	7 7 8 8 8 8 8 8	3 2 1 2 3 4

See footnotes at end of table.

- 12 Between Gulf Oil Corp. and El Paso; on file as Gulf Oil Corp. FPC GRS No. 57.
 13 From Gulf Oil Corp. to Belco Petroleum Corp.
 14 Sale made pursuant to temporary certificate issued May 2, 1968, at a rate of 23.05 cents subject to refund obligation to a floor of 20 cents. Therefore, the abandonment will be permitted in Docket No. CI68-1162 and the temporary certificate heretofore issued in said docket will be terminated.
 15 Application filed by Sklar & Phillips Oil Co.
 16 Contains assignment dated Sept. 10, 1968, whereby the acreage was assigned to Gladys F. Hurley, d.b.a. Hurley Oil and Gas Co. and Ed. E. and Gladys Hurley Foundation.
 17 Proposed rate is 15 cents per Mcf, contract base rate is 16 cents per Mcf.
 18 Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
 19 Deletes acreage due to relocation and construction of highway in the area.
 20 Limited to gas produced from the Newburg Formation.
 21 On file as Gulf Oil Corp. (Operator) et al., FPC GRS No. 333 and Southwest Producing Co., Inc., FPC GRS No. 10.
 22 Assigns acreage from Gulf Oil Corp. and Chared Corp. to Edwin L. Cox.
 23 Assigns acreage from Southwest Gas Producing Co., Inc., to Edwin L. Cox.
 24 No certificate filing required; only the related rate filing is being accepted for filing.
 25 On file as Gulf Oil Corp. (Operator) et al., FPC GRS No. 355.
 26 Assigns acreage from Midwest Oil Corp. and Cabot Corp. to Edwin L. Cox.
 27 Sale being rendered pursuant to temporary authorization.
 28 On file as Amerada Hess Corp. FPC GRS No. 140.
 29 Assigns acreage from Amerada Petroleum Corp. (now Amerada Hess Corp.) to Cox.
 30 Accepts conditioned temporary certificate issued Dec. 12, 1969 (filed Dec. 29, 1969). Applicant indicates willingness to accept permanent authorization conditioned to 15 cents per Mcf and limiting buyer's take-or-pay obligation to a 1 to 3,650 ratio of takes to reserves during the first 2 years and a 1 to 7,300 ratio thereafter.
 31 On file as J. R. Abraham FPC GRS No. 1, as supplemented.
 32 J. R. Abraham assigns interest to Harold A. Yaffee.
 33 Complies with temporary certificate issued Dec. 18, 1969. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 17 cents per Mcf plus B.t.u. adjustment.
 34 Complies with temporary certificate issued Dec. 12, 1969. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf including tax reimbursement and subject to B.t.u. adjustment and limiting buyers take-or-pay obligation to a 1 to 3,650 ratio of takes to reserves for the first 2 years.
 35 Complies with temporary certificate issued Dec. 12, 1969. Applicant states willingness to accept a permanent certificate conditioning buyers take-or-pay obligation to a 1 to 3,650 ratio of takes to reserves during the first 2 years and a 1 to 7,300 ratio thereafter.
 36 By letter dated Dec. 30, 1969, Applicant states willingness to accept a permanent certificate conditioned to a 1 to 7,300 reserve ratio and defining the terms "Applicable Area Rate or Area Settlement" as the applicable Commission approved just and reasonable rates established by hearing or rates approved by the FPC in settlement of a proceeding instituted to determine just and reasonable rates.
 37 Contract provides for a rate of 17.8 cents per Mcf; however, Applicant has requested authorization at a rate 10 cents per Mcf.
 38 Currently on file as Apache Corp. (Operator) et al., FPC GRS No. 40.
 39 From Apache Corp. et al., to Applicant.
 40 Between Socony-Vacuum Oil Co., Inc., and Montana-Dakota Utilities Co.; on file as Mobil Oil Corp. (Operator) et al., FPC GRS No. 212.
 41 From Mobil Oil Corp. to Tennessee Oil Co.
 42 By letter dated Dec. 18, 1969, Applicant indicated willingness to accept a permanent certificate conditioned to the ultimate disposition of the proceeding in Docket No. R-338.
 43 Currently on file as Oklahoma Natural Gas Co. FPC GRS No. 18.
 44 From Oklahoma Natural Gas Co. to Applicant.
 45 Currently on file as Apache Corp. FPC GRS No. 22.
 46 From Apache Corp. to Applicant.
 47 Applicant is filing for a certificate to cover its own interest presently covered under Atlantic Richfield Co.'s FPC GRS No. 481 and certificate in Docket No. CI62-1184.
 48 Ratifies basic contract dated Mar. 15, 1962 between Atlantic Richfield Co. and buyer.
 49 Currently on file as Atlantic Richfield Co. FPC GRS No. 203.
 50 From Apache Corp. and Atlantic Richfield Co. to Applicant.
 51 Currently on file as Apache Corp. FPC GRS No. 12.
 52 Between buyer and United Energy Corp. (co-owner).
 53 Between buyer and Amarex, Inc. et al. (co-owner).
 54 Currently on file as Anadarko Production Co. FPC GRS No. 123.
 55 From Anadarko Production Co. to Applicant.
 56 Source of gas depleted.
 57 Sale being rendered on June 7, 1954, by predecessor (no certificate or rate filings were made by predecessor).
 58 Between Dennison and Varner Oil & Gas Co., seller and South Penn Natural Gas Co. (now Pennzoil United, Inc.), buyer.
 59 From Dennison and Varner Oil & Gas Co. to Applicant.

[F.R. Doc. 70-2599; Filed, Mar. 4, 1970; 8:45 a.m.]

[Docket No. CP70-196]

DISTRIGAS CORP.

Notice of Application

FEBRUARY 25, 1970.

Take notice that on February 17, 1970, Distrigas Corp. (applicant), 125 High Street, Boston, Mass. 02110, filed in Docket No. CP70-196 an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing the importation of liquefied natural gas (LNG) from Algeria, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to import up to six shiploads of LNG, each approximately 1,000,000 Mcf. natural gas equivalent, per year beginning in 1971. Applicant states that it will purchase such LNG from Aloccean, Ltd., a Bermuda corporation, organized by Gazococean International, S.A., a Swiss corporation and Sonatrach, the Algerian national oil company. The application states that Sonatrach is the producer of the natural

gas which will be liquefied at the nationally owned Arzew and Skikda plants in Algeria for delivery to Aloccean. Applicant states that the LNG will be transported from Algeria by the cryogenic tanker Descartes for delivery at its deepwater terminal near Everett, Mass., and other suitable ports on the east coast of the United States. Applicant further states that the imported LNG will be marketed primarily for peak shaving purposes, but also sold for nonutility purposes.

The rates to be paid by applicant for LNG f.o.b. the United States port of delivery are stated to be as follows:

Month of delivery:	Charge in cents per MMB.t.u.
April through October	68
November	70
December	76
January	85
February	85
March	71

The prices listed above are subject to an automatic escalation of 0.6-cent per MMB.t.u. beginning April 1, 1972, under

the entire 20-year term of the Liquefied Natural Gas Sales Agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-2666; Filed, Mar. 4, 1970; 8:46 a.m.]

[Docket No. G-3114 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Findings and Order; Correction

FEBRUARY 13, 1970.

Humble Oil & Refining Co. and other applicants listed herein, Docket No. G-3114, et al., Mobil Oil Corp. (Operator) et al., Docket No. G-12083, Joseph P. Mueller, Docket No. CI61-1673.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceeding, making successors correspondents, substituting respondents, redesignating proceedings, making rate change effective, accepting agreements and undertakings, accepting surety bond for filing and accepting related rate schedules and supplements for filing, issued December 24, 1969, and published in the FEDERAL REGISTER January 7, 1970 (35 F.R. 237), change applicant's name to read "Joseph P. Mueller" in lieu of "Joseph P. Muller" relating to Docket No. CI61-1673. Change "Supplement No. 11" to read "Supplement No. 12" relating to Docket No. G-12083.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-2663; Filed, Mar. 4, 1970; 8:46 a.m.]

[Docket No. G-7004, etc.]

PENNZOIL UNITED, INC., ET AL.

Findings and Order; Correction

FEBRUARY 13, 1970.

Pennzoil United, Inc., and other applicants listed herein, Docket No. G-7004, et al.; Husky Oil Company of Delaware, Docket No. CI69-1071.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceedings, making successors correspondents, substituting respondents, redesignating proceedings, making rate change effective, requiring filing of agreements and undertakings accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing, issued December 8, 1969 and published in the FEDERAL REGISTER December 13, 1970 (34 F.R. 19675), first column: Change "Docket No. CI65-1071" to read "Docket No. CI69-1071."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-2664; Filed, Mar. 4, 1970;
8:46 a.m.]

[Docket No. CP70-30]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend; Correction

FEBRUARY 24, 1970.

In the notice of petition to amend, issued February 13, 1970 and published in the FEDERAL REGISTER February 25, 1970 (35 F.R. 3697), caption and first paragraph, line 4, change: "Docket No. CP70-30" to read "Docket No. CP70-33."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-2665; Filed, Mar. 4, 1970;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 25, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 26, 1970, through March 7, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 70-2534; Filed, Mar. 4, 1970;
8:45 a.m.]

[70-4842]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Proposed Issue and Sale of Bonds at Competitive Bidding

FEBRUARY 27, 1970.

Notice is hereby given that Indiana & Michigan Electric Co. ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Ind. 46801, an electric utility subsidiary company of American Electric Power Co., Inc. ("AEP"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

I&M proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, \$50 million principal amount of its first mortgage bonds, ----- percent series due 2000 and \$15 million principal amount of its first mortgage bonds, ----- percent series due 1975. Separate bids for each series will be invited. The bonds will be dated as of the first day of the month in which they are issued. The interest rate of the bonds (which will be a multiple of one-eighth of one percent) and the price to be paid to I&M (which will be not less than 99 percent nor more than 102 3/4 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the mortgage and deed of trust, dated as of June 1, 1939, between I&M and Irving Trust Co., New York, N.Y., as trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated as of the first day of the month in which the bonds are issued.

The net proceeds from the sale of the bonds, together with anticipated capital contributions from AEP in the amount of \$30 million, made pursuant to prior authorization, will be used for prepayment and discharge of its notes to banks, for payment and discharge of its commercial paper at maturity, for construction purposes and reimbursement of its treasury for money expended therefor, and for other corporate purposes. It is expected that unsecured short-term debt not to exceed \$44 million will be outstanding at the time of issuance and delivery of the bonds.

The application states that the issue and sale of the bonds are subject to authorization by the Public Service Commission of Indiana, the State commission of the State in which I&M is organized and doing business, and by the Michigan Public Service Commission, the State commission of the State in which I&M is qualified to and is doing business. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses relating to the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than March 23, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 70-2692; Filed, Mar. 4, 1970;
8:48 a.m.]

[812-2598]

LINCOLN NATIONAL CAPITAL FUND ET AL.

Notice of Application for Exemption

FEBRUARY 27, 1970.

Notice is hereby given that Lincoln National Capital Fund and Lincoln National Balanced Fund ("Funds"), 1301 South Harrison Street, Fort Wayne, Ind. 46802, Delaware corporations which are open-end investment companies registered under the Investment Company Act of 1940 ("Act"), and LNC Equity Sales Corp. ("Equity"), an Indiana corporation which distributes the Funds' shares, have filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 22(d) of the Act to permit the shares of any registered investment company which is organized by Lincoln National Corp., whose investment manager is LNC Investment Management Corp., and which shares are distributed by Equity to be sold without the usual sales charge to the approximately 10,000 persons who are related to the Lincoln National Corp. or one of its subsidiaries, as an officer, director or full-time employee, and to any trust, pension, profit-sharing deferred compensation, or other benefit fund for such persons. The Funds and Equity are sometimes hereinafter referred to as "Applicants." All interested

persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Shares of the registered investment companies will ordinarily be offered to the general public at a public offering price which is the net asset value per share at the time of purchase plus a sales charge of 8½ percent of the public offering price, reduced on a graduated scale for sales involving larger amounts.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at a current offering price described in the prospectus. Section 6(c) permits the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The organization of the Funds is sponsored by Lincoln National Corp., a publicly owned holding company, of which the Lincoln National Insurance Co. is the principal operating unit. Equity, the distributor for shares of the Funds, is a wholly owned subsidiary of Lincoln National Corp. Applicants seek an exemption from section 22(d) to permit the shares of any registered investment company organized by Lincoln National Corp. and whose investment adviser is LNC Investment Management Corp. and which shares are distributed by Equity, to be offered at net asset value to the officers, directors and full-time employees (who have acted as such for not less than 90 days) of Lincoln National Corp., and its subsidiaries (as specified in the application) and to any trust, pension, profit-sharing, deferred compensation, or other benefit plan for such persons. Such sales will be made pursuant to a uniform offer described in the prospectus of the investment company involved and will be made only upon the written assurance of the purchaser that the purchase is made for investment purposes and that the securities will not be resold except through redemption or repurchase by or on behalf of the issuer.

Equity sells only through its own representatives who are authorized to sell only the shares sold by Equity. It is anticipated that most investments will be the result of direct personal contact on the part of one of the salesmen.

No sales expense will be incurred in the sale of shares for which exemption from the provisions of section 22(d) is sought. There will be no personal contact by a sales representative in connection with such sales. Announcement of the availability of shares of the funds involved will be made in a house publication or on a bulletin board of the various subsidiaries and investments will ordinarily be made through a payroll deduction plan. Equity will not bear the expense of either the announcements or the payroll deduction plan.

Applicants have consented to the following condition, should the Commission grant the order requested:

That if in the future the Commission amends Rule 22d-1 to change the circumstances under which sales charges may be reduced or eliminated in a manner more restrictive than the circumstances permitted by this order, than on the effective date of such amendment the exemptions granted by this order shall be automatically terminated, and the Rule as amended shall apply.

Notice is further given that any interested person may, not later than March 19, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 70-2691; Filed, Mar. 4, 1970;
8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 4 (Revision 1);
Amdt. 5]

ASSOCIATE ADMINISTRATOR FOR FINANCIAL ASSISTANCE

Delegation on Lease Guarantee

Delegation of Authority No. 4 (Revision 1) (32 F.R. 178), as amended (33 F.R. 7603, 33 F.R. 8793, 33 F.R. 11569 and 34 F.R. 6020), is hereby further amended by adding new item I.M. thereto, to read as follows:

I. * * *

M. To make size determinations for the purpose of the Lease Guarantee Program.

* * * * *
Effective date: February 12, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-2695; Filed, Mar. 4, 1970;
8:48 a.m.]

[Delegation of Authority 30-B (Region V)]

REGIONAL DIVISION CHIEFS ET AL., REGION V

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-B, 34 F.R. 19842, published in the FEDERAL REGISTER on December 18, 1969, and amended in 35 F.R. 1073, the following authority is hereby redelegated to the positions as indicated herein:

1. *Regional Division Chiefs, Regional Counsel, and Staffs—A. Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding \$350,000 (SBA share) and economic opportunity loans not exceeding \$25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) \$50,000 per household for repairs or replacement of the home and/or not to exceed an additional \$10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed \$55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to \$50,000; and (2) \$350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to \$500,000 and to decline them in any amount.

b. To approve displaced business loans up to \$350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By _____
(Name)
(Title of person signing)

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

*8. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

9. Size determination for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

10. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division)*. 1. To approve or decline business, disaster, and displaced business loans not exceeding \$50,000 (SBA share) and economic opportunity loans not exceeding \$25,000 (SBA share).

2. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

3. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
(Title of person signing)

4. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

5. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

6. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

C. *Loan Officer (Financing Division)*. 1. To approve minor modifications in the authorization.

2. To extend the disbursement period.

D. *Chief, Community Economic Development Division*. 1. To approve or decline section 501 State development company loans and section 502 local development company loans up to \$350,000 (SBA share) when project cost does

not exceed \$1 million, provided the chief concurs in at least one prior recommendation.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or fully undisbursed sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,

By _____

(Name)

Chief, Community Economic Development Division

4. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

5. To enter into section 502 loan participation agreements with banks.

6. To approve or decline applications for the direct guarantee of the payment of rent not to exceed \$500,000.

7. To issue and modify commitment letters, said issuance to read as follows:

(Name), Administrator,

By _____

(Name)

Chief, Community Economic Development Division

8. To disburse approved EDA loans, as authorized.

9. *Eligibility determinations for financing only*: To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

10. *Size determinations for financing only*: To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

E. *Economic Development Specialists (Community Economic Development)*. 1. To extend the disbursement period on fully undisbursed sections 501 and 502 loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

3. To enter into section 502 loan participation agreements with banks.

4. To disburse approved EDA loans, as authorized.

F. *Chief and Assistant Chief, Loan Administration Division*. 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or

warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

G. *Supervisory Loan Officer (Loan Administration Division)*. 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other

instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guaranties.

H. *Loan Officer (Loan Administration Division)*. 1. To approve the following actions concerning all current direct and participation loans and First Mortgage Plan 502 loans.

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorizations.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of \$500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed \$500.

I. *Region Claims Review Committee*. To consist of the Chief, Loan Administration Division, acting as chairman; Regional Counsel; and Chief, Financing Division, who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of \$5,000 (including CPC advances but excluding interest), or represents the unanimous recommendations of said committee on claims in excess of \$5,000

but not exceeding \$100,000 (including CPC advances but excluding interest).

J. *Chief, Procurement and Management Assistance Division*. [Reserved]

K. *Regional Counsel*. 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse of warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

L. *Regional Attorneys*. 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to the regional counsel:

a. The assignment, endorsement, transfer, and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA.

M. *Chief, Administrative Division*. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

N. *Office Services Manager or Office Services Assistant*. 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. District Directors—A. Financing Program. 1. To approve or decline business loans not exceeding \$350,000 (SBA share) and economic opportunity loans not exceeding \$25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) \$50,000 per household for repairs or replacement of the home and/or not to exceed an additional \$10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed \$55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to \$50,000; and (2) \$350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to \$500,000 and to decline them in any amount.

b. To approve or decline displaced business loans up to \$350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**8. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

9. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. Community Economic Development Program. **1. To approve or decline section 501 State development company loans and section 502 local development company loans up to \$350,000 (SBA share) when project cost does not exceed \$700,000, provided the district director concurs in at least one prior recommendation.

2. To extend the disbursement period on sections 501 and 502 loan authoriza-

tions or undisbursed portions of sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator,
By _____
(Name)
District Director.
(City)

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To enter into section 502 loan participation agreements with banks.

6. To approve or decline applications for the direct guarantee of the payment of rent not to exceed \$500,000.

7. To issue and modify commitment letters, said issuance to read as follows:

(Name), Administrator,
By _____
(Name)
District Director.
(City)

8. To disburse approved EDA loans, as authorized.

C. Loan Administration Program. 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for

recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

D. Procurement and Management Assistance Program. [Reserved]

E. Administrative. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. Eligibility determinations. To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies.

G. Size determinations. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

H. Legal services. 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty)

of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA.

III. District Division Chiefs, District Counsel and Staffs—A. Chief, Financing Division. 1. To approve or decline business loans not exceeding \$350,000 (SBA share) and economic opportunity loans not exceeding \$25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) \$50,000 per household for repairs or replacement of the home and/or not to exceed an additional \$10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed \$55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to \$50,000; and (2) \$350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to \$350,000 and to decline them in any amount.

b. To approve or decline displaced business loans up to \$350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office, regional, and district approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
(Title of person signing)

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2 (e) of SBA Loan Policy Regulations.

B. Supervisory Loan Officer (Financing Division), if assigned. 1. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

2. To execute loan authorizations for Central Office, regional, and district approved loans, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
(Title of person signing)

3. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

4. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

5. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

C. Loan Officer (Financing Division). 1. To approve minor modifications in the authorization.

2. To extend the disbursement period.

D. Chief, Community Economic Development Division. 1. To extend the disbursement period on sections 501 and 502 loan authorizations or fully undisbursed sections 501 and 502 loans.

2. To execute sections 501 and 502 loan authorizations for Central Office, regional, and district approved loans, said execution to read, as follows:

(Name), Administrator,
By _____
(Name)
Chief, Community Economic Development Division.

3. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

4. To enter into section 502 loan participation agreements with banks.

5. To issue and modify commitment letters, said issuance to read, as follows:

(Name), Administrator,
By _____
(Name)
Chief, Community Economic Development Division.

6. To disburse approved EDA loans, as authorized.

E. Economic Development Specialist (Community Economic Development). 1. To extend the disbursement period on fully undisbursed sections 501 and 502 loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

3. To enter into section 502 loan participation agreement with banks.

4. To disburse approved EDA loans, as authorized.

F. Chief, Loan Administration Division. 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

G. *Supervisory Loan Officer (Loan Administration Division)*, if assigned. 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

H. *Loan Officer (Loan Administration Division)*. 1. To approve the following

actions concerning all current direct and participation loans and First Mortgage Plan 502 loans:

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of \$500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed \$500.

I. *Chief, Procurement and Management Assistance Division*. [Reserved]

J. *District Counsel*. 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due

thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

K. *District Attorneys*. 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to the district counsel:

a. The assignment, endorsement, transfer and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

L. *Chief, Administrative Division*. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate

Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

M. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

IV. *Branch Manager—Marquette, Mich.* 1. To approve or decline business, disaster, and displaced business loans not exceeding \$50,000 (SBA share) and economic opportunity loans not exceeding \$25,000 (SBA share).

2. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

3. To execute loan authorizations for Central Office, regional, and district approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
(Title of person signing)

4. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans approved under delegated authority.

5. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

6. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

7. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

V. The specific authority delegated herein, indicated by double asterisk (**), cannot be redelegated.

VI. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: February 10, 1970.

ROBERT A. DWYER,
Regional Director, Region V.

[F.R. Doc. 70-2655; Filed, Mar. 4, 1970;
8:45 a.m.]

CROCKER CAPITAL CORP.

Notice of Issuance of Small Business Investment Company License

On January 21, 1970, a notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (35 F.R. 832) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for a license as a small business investment company by Crocker Capital Corporation, 405 Florence Street, Palo Alto, Calif. 94301.

Interested parties were given to the close of business January 31, 1970, to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued license No. 12/12-0150 to Crocker Capital Corp. to operate as a small business investment company.

The license was issued in Washington on February 13, 1970.

A. H. SINGER,
Associate Administrator
for Investment.

FEBRUARY 18, 1970.

[F.R. Doc. 70-2694; Filed, Mar. 4, 1970;
8:48 a.m.]

TARIFF COMMISSION

[AA1921-62]

STEEL BARS, REINFORCING BARS, AND SHAPES FROM AUSTRALIA

Determination of Injury

FEBRUARY 27, 1970.

On November 28, 1969, the Tariff Commission was advised by the Assistant Secretary of the Treasury that steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Melbourne, Australia, are being, and are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission on December 1, 1969, instituted investigation No. AA1921-62 to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held beginning on January 20, 1970. Notice of the investigation and hearing was published in the FEDERAL REGISTER of December 5, 1969 (34 F.R. 19313).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the majority of the Commission has determined that an industry in the United States is being injured by reason of the importation of steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Melbourne, Australia, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.¹

¹ Commissioners Thunberg and Newsom determined in the negative.

STATEMENT OF REASONS OF CHAIRMAN
SUTTON AND COMMISSIONERS CLUBB,
LEONARD, AND MOORE

In our opinion, an industry in the United States is being injured by reason of the importation of steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Melbourne, Australia, which are being sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

In making this determination under section 201(a) of the Antidumping Act, we have considered the injured industry to consist of the operations of U.S. facilities producing steel bars, reinforcing bars, and shapes of the class or kind being sold at less than fair value.

Imported products. The Treasury Department determined that imports of steel bars, reinforcing bars, and shapes from Australia were being imported at LTFV. Information developed during the investigation revealed that there were substantial LTFV imports of bars ranging from three-eighths inch through 1½ inches in diameter, reinforcing bars ranging from three-eighths inch through 1 inch in diameter, and angles ranging in sizes 1 x 1 x ½ inch to 4 x 3 x ½ inches.

Conditions of competition. Sales and offers of sales of the LTFV imports were concentrated in two separate competitive market areas: California and the Northwest States.¹ In view of the fact that interested parties in this case focused their attention almost exclusively on the impact of LTFV imports in the Northwest market, we first directed our consideration of the facts in the case to the injury incurred in that market. Because we have found substantial injury in that market, it is unnecessary to measure the injurious impact of LTFV sales in the California market where sales were even larger than in the Northwest market.

Significant imports of the Australian steel products sold at LTFV began in 1966. During that year imports, though substantial, were sold at various places within the United States. In 1967 sales of LTFV imports were relatively small, but concentrated in the two West Coast markets. In 1968 such imports again became substantial, exceeding all LTFV imports made during the preceding 2 years, and sales were again concentrated primarily in the west coast area. About one-third of the LTFV imports in 1969 were sold in the Northwest market area.

In weighing the injury, we have applied the principle that an injury to a part of the national industry is an injury to the whole industry.

Pricing practices. In the Northwest market, LTFV imports of reinforcing bars were sold at prices ranging from \$24 to \$31 per ton less than the price of comparable domestic reinforcing bars; LTFV imports of round bars were sold at prices ranging from \$31 to \$51 per ton less than the price of comparable domestic round bars; and LTFV imports of angles were sold at prices ranging from \$9 to \$48 per ton less than the price of comparable domestic angles. Further, the LTFV imports were priced below imports of comparable products from other foreign sources.

Price suppression or depression. Of the three domestic steel producers in the Northwest market, one made no price reduction to meet the competition from LTFV imports. This firm, which has numerous plants in the United States and produces a large range of products, adhered to a national price structure and did not attempt to meet import competition. However, the other two producers, being local companies having more limited product lines which closely paralleled the product mix of the LTFV imports, deemed it expedient to lower their prices on round bars and sold them at \$10-\$11 per ton below the national price. When LTFV offers and imports ceased, their prices for the bars rose to approximately the national average.

The two producers also found it necessary to lower sharply their prices of angles in incremental steps over a 2-year period. The total reductions amounted to as much as \$24 and \$29 per ton, or almost \$40 per ton below the national price. Thus, we find that sales, and offers of sales, of imported LTFV round bars and angles have caused a decline in prices in a sensitive market where producers of the subject products would normally sell at prices slightly higher than the national prices for such products.

The two local producers did not generally lower their prices of reinforcing bars to meet LTFV import competition. One producer whose production consists largely of the sizes brought in at LTFV did negotiate lower prices on various occasions when the LTFV imports were most heavily concentrated in the immediate vicinity of his plant however. Prices of reinforcing bars during the relevant period were suppressed somewhat below prices that would have prevailed but for the LTFV imports.

Sales and offers of sales of the LTFV steel in the Northwest market area either depressed or suppressed prices of comparable steel products in such market, whether of foreign (other than Australian) or domestic origin. As a result, the prices of domestic steel products could not rise to the level of their normal relationship to national price levels.

Market penetration. In 1968, the first year in which LTFV imports were sold in substantial quantities in the Northwest market area, they accounted for 5.5 percent of the apparent consumption in that area of all steel products named in the Treasury determination. Such LTFV sales; moreover, were equivalent to about 8 percent of the estimated North-

west market area consumption of comparable steel products of equivalent sizes. Further, the LTFV sales penetration within the immediate market area of one producer—the complainant in this case—was even greater.

Sporadic sales at LTFV. The exporter of the LTFV imports in this case has made it clear that it sells its steel products to the United States only when it has surplus production. The exporter depends primarily upon its lower prices to promote sales of its surplus. It has not sought a continuous market for its steel, preferring to sell in the various world markets wherever the most income can be readily, but easily, generated.

Sales resulting from unpredictable discriminatory pricing practices disrupt markets by causing declining prices, the shifting of customers, and the costly changing of product mixes. One of the principal purposes of the Antidumping Act is to prevent such practices.

Conclusion. The disruptions in the Northwest market of the U.S. steel industry considered in terms of the price impact on, and import penetration of, that market, all incurred as a result of the sales and offers of sales of the heretofore named steel products, are more than de minimis injury. Accordingly, we determine that an industry in the United States is being injured by reason of such LTFV imports.

STATEMENT OF REASONS FOR NEGATIVE
DETERMINATION OF COMMISSIONERS
THUNBERG AND NEWSOM

The industry with which this case is concerned is composed of those productive resources which manufacture carbon steel bars, reinforcing bars, and bar shapes. With only minor adjustments to certain equipment a rolling mill can readily shift from the output of reinforcing bars to bars to bar-sized shapes. Thus, because the resources required for the production of each of these items are essentially the same, the production of any one of them can be quickly substituted for another to respond to changing market conditions and together these items comprise the "commodity" produced by this industry. In contrast, because considerably more major and expensive modifications to the plant would be necessary to produce any other steel items (e.g., wire rods), steel bars, reinforcing bars and bar shapes are separated from other steel items (by a natural gap in the chain of substitutes in production) in this determination.

Among economists the geographic area to which the concept of a competitive commodity market is properly applicable is that area over which the same price prevails for the given commodity. It is thus meaningful to speak of a "world market" for a commodity, if the price of the commodity in all parts of the world differs only by the cost of moving the products from one part to another. Similarly, the market for a commodity is defined as nationwide in scope if the price of the commodity is the same in all parts of the country after taking account of transportation costs.

¹ Both California and the Northwest States (Oregon and Washington) constitute separate competitive market areas because freight differentials limit sales of domestic steel products in such areas principally to the plants operating within the areas. For a more detailed discussion of the Northwest market area see the Commission's determinations in investigations No. AA1921-33 (steel reinforcing bars) and No. AA1921-39 (carbon steel bars and shapes).

Applying this generally accepted definition to the commodity with which this investigation is concerned (steel bars and bar shapes) the appropriate market area is unequivocally the entire nation. The same price structure for steel products prevails countrywide with differences reflecting only the cost of moving the commodity between different centers of production and consumption. The fact that transport costs are high in relation to selling prices limits most shipments to relatively short distances from the producing mills. A mill selling outside of its own freight advantage area would have to absorb part of the additional freight charge and therefore would derive a net price lower than that to producers selling within the area of freight advantage. Management would be motivated to do so only if a more favorable price should prevail elsewhere, or if by so doing it could raise its own net return per ton by working off excessive inventories or by achieving or maintaining a given volume of production. Such a diversion of output to more distant geographic areas would, by increasing supply in these areas, tend to cause the price there to decline. The possibility of such freight absorption thus operates to maintain intact a national price structure wherein essentially the same price prevails for each purchaser.

The Treasury Department found that less than fair value (LTFV) imports from Australia amounting to 73,000 tons between May 1968 and January 1969 entered this country through Pacific, east, and gulf coast ports, primarily Seattle, Portland, San Francisco, Los Angeles, Houston, and New Orleans. The largest volume entered through California ports and was sold in that State. The Pacific Northwest received the second largest volume with east and gulf coast ports receiving relatively minor quantities. Thus the immediate impact of the LTFV imports was dispersed along the Pacific, east, and gulf coasts in the United States. In 1968 LTFV imports of steel bars, rebars and bar shapes amounted to one-half of 1 percent of domestic consumption.² Obviously such imports were de minimis.

Despite the fact of a national market for steel products, the short-term im-

² Commissioner Newsom notes that any injury determination as to these LTFV imports must take account of their reflection of the nationwide hedge-buying, prior to the 1968 labor settlements in the U.S. steel industry.

It is his view that such imports, under such circumstances, serve a desirable function in stabilizing supply-demand relationships at reasonable levels, with minimum short-term disruption, and thus does not dictate an injury finding under section 201(a).

pact of imports on a local area could conceivably be so severe as to be injurious. Over the longer term, the possibility open to the domestic producer of selling outside the area of freight advantage would mean that the impact effect of imports on the local receiving area would be spread via a series of price or quantity ripples to the rest of the country. In the short term, however, it is producers in the immediate locale where the LTFV imports are sold who bear the full impact of these imports. In this case even the short-term localized impact of the LTFV imports was, in our opinion, not a source of injury to the local producers.

In 1968 LTFV imports were of greatest importance relative to local consumption in the Pacific Northwest. These LTFV imports amounted to about 5.5 percent of combined consumption in the States of Washington and Oregon in that year. During this same year, according to testimony developed at the hearing, the volume of dam and road construction activity in these two States declined significantly. Partial data available to the Commission suggest that employment in the mills producing this commodity in Washington and Oregon may have declined by 1 to as much as 8 percent. Despite the drop in dam and road construction, however, aggregate apparent consumption of bars and bar shapes in Washington and Oregon increased by about 20 percent in 1968 over 1967. Producers' shipments as well as total imports were higher. If in fact total man-hours worked actually declined by a significant amount in 1968, labor productivity must then have increased. Further, prices charged by local producers except those for angles remained unchanged or increased during 1968. Thus, even in the short term the localized impact of imports at less than fair value by itself was not injurious.

In summary, we find no injury from less than fair value imports of steel bars, reinforcing bars and shapes manufactured by the Broken Hill Proprietary Co., Melbourne, Australia, neither in the usual sense of injury sustained over a medium-term period of time, nor in the short-term localized impact of LTFV imports. Nor do we find likelihood of injury, given the sporadic nature of availabilities of steel for export from the Australian producer and the current attraction of alternative markets.

By direction of the Commission.

[SEAL]

KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-2656; Filed, Mar. 4, 1970;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 481]

COMMON CARRIER SERVICES INFORMATION¹

Domestic Public Radio Services Applications Accepted for Filing²

MARCH 2, 1970.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

[SEAL]

¹ All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

² The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

- 4714-C2-P-70—Triangle Telephone Cooperative (New), C.P. for a new 2-way station to be located at 6½ miles north, 1 mile east of Inverness, Mont., to operate on frequency 152.64 MHz.
- 4715-C2-P-70—Southwestern Bell Telephone Co. (KLB780), C.P. to add a third channel to operate on base frequency 152.66 MHz and make antenna changes for existing facilities operating on frequencies 152.63 MHz and 152.75 MHz at station located on Highway No. 162, 3½ miles east of Van Buren, Ark.
- 4716-C2-P-70—Southwestern Bell Telephone Co. (KKB394), C.P. to add a second channel to operate on frequency 152.78 MHz also change antenna system and replace transmitter for existing frequency 152.63 MHz at station located at 2.1 miles southeast of Big Spring, Tex.
- 4717-C2-P-70—Southwestern Bell Telephone Co. (KLF569), C.P. to add a second channel to operate on base frequency 152.69 MHz and change antenna system for existing frequency 152.72 MHz at station located at 5.8 miles south-southwest of Webb, Tex.
- 4724-C2-P-70—Answer Iowa, Inc. (New), C.P. for a new 1-way station to be located at 1100 27th Avenue SW., Cedar Rapids, Iowa, to operate on base frequency 158.700 MHz.
- 4725-C2-P-70—Citizens Utilities Co. of California (New), C.P. for a new 2-way station to be located at 1010 Main Street, Sananville, Calif., to operate on frequency 152.72 MHz.
- 4727-C2-M-70—The Redco Corp., Roy M. Teel and Lowry McKee, doing business as Mobilfone (KKM254), Modification of license to change control frequency from: 454.10 MHz to 454.20 MHz at location No. 2; 2.5 miles north of U.S. Highway No. 83 on North 10th Street, McAllen, Tex., and change repeater frequency from: 459.10 MHz to 459.20 MHz at location No. 3; Rincon Camp, 16.5 miles east-northeast of Rio Grande City, Tex.
- 4728-C2-P-70—R & L Radio (KFL910), C.P. to replace transmitter and retain present base as standby at station located on old Highway No. 13, 4.25 miles south of Clinton, Mo., operating on frequency 152.09 MHz.
- 4729-C2-P-70—Southern Bell Telephone & Telegraph Co. (KIG391), C.P. to add two new base transmitters to operate on frequencies 152.72 MHz and 152.78 MHz; replace existing transmitter operating on base frequency 152.63 MHz; make antenna changes for frequencies 152.51 MHz and 152.75 MHz; replace auxiliary test transmitters operating on frequencies 157.77 MHz, 157.89 MHz, and 158.01 MHz at station located at 45 North Magnolia Street, Orlando, Fla.
- 4734-C2-P-70—General Telephone Co. of the Southwest (KFL909), C.P. to add a second base channel to operate on frequency 152.78 MHz; replace transmitter for existing frequency 152.60 MHz at station located at 900 feet from Greenleaf Cemetery on Highway No. 377 West, Hall Rock Quarry, Brownwood, Tex.
- 4735-C2-M-70—Wisconsin Telephone Co. (KLF646), Modification of C.P. to delete location No. 2; 119 South Michigan Street, De Pere, Wis., and replace transmitter for base frequency 152.84 MHz at location No. 1; 205 South Jefferson Street, Green Bay, Wis.
- 4737-C2-P-70—Jack Loperena (New), C.P. for a new (Air-Ground) station. Location No. 1: 3 miles east of Auberry, Calif. Frequencies: 454.675 MHz (Signaling) 454.850 MHz (Base) and 2125.2 MHz (Repeater) location No. 2: 238 North Fresno Street, Fresno, Calif. Frequency: 2175.2 MHz (Control).
- 4738-C2-P-70—Mobile Telephone Co. (New), C.P. for a new (Air-Ground) station. Location: Preston Towers, Preston Road and Northwest Highway, Dallas, Tex. Frequencies: 454.675 MHz (Signaling) 454.800 MHz, 454.725 MHz, and 454.875 MHz (Base).
- 4739-C2-P-70—Georgia Mobile Telephone Co. (New), C.P. for a new (Air-Ground) station. Location: First National Bank Building, 2 Peachtree Street, Atlanta, Ga. Frequencies: 454.675 MHz (Signaling), 454.725 MHz, 454.775 MHz, 454.825 MHz (Base).
- 4740-C2-P-70—Oklahoma Mobile Telephone Co. (New), C.P. for a new (Air-Ground) station. Location: KOCO-TV, North Kelley Avenue and Britton Road, Oklahoma City, Okla. Frequencies: 454.675 MHz (Signaling), 454.850 MHz, 454.975 MHz (Base).
- 4741-C2-P-70—California Mobile Telephone Co. (New), C.P. for a new (Air-Ground) station. Location: Intersection Skyline and Grizzly Peak Boulevards, Round Top Mountain, Calif. Frequencies: 454.675 MHz (Signaling), 454.775 MHz, 454.950 MHz (Base).

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

- 4742-C2-P-70—Colorado Mobile Telephone Co. (New), C.P. for a new (Air-Ground) station. Location: Lookout Mountain, approximately 6 miles southwest of Golden, Colo. Frequencies: 454.675 MHz (Signaling), 454.900 MHz, 454.725 MHz, 454.775 MHz (Base).
- 4743-C2-P-70—Arizona Mobile Telephone Co. (New), C.P. for a new (Air-Ground) station. Location: White Tank Mountain, Maricopa County, 29 miles west-northwest of Phoenix, Ariz. Frequencies: 454.675 MHz (Signaling), 454.900 MHz, 454.775 MHz (Base).
- 4744-C2-P-70—Texas Mobile Telephone Co. (New), C.P. for a new (Air-Ground) station. Location: 3101 Senior Road, Farm Market Road, 3 miles east of Dewalt, near Houston, Tex. Frequencies: 454.675 MHz (Signaling), 454.950 MHz and 454.825 MHz (Base).
- 4748-C2-P-70—Evergreen State Mobile Telephone Co. (New), C.P. for a new (Air-Ground) station. Location: Ratelco Antenna Farm, Antenna No. 5 Cougar Mountain, Issaquah, Wash. Frequencies: 454.675 MHz (Signaling), 454.950 MHz, 454.900 MHz, 454.750 MHz, 454.825 MHz (Base).
- 4749-C2-P-70—Texas Mobile Telephone Co. (New), C.P. for a new (Air-Ground) station. Location: ¼ mile north of Ingram Road and ¾ mile west of Loop 416, San Antonio, Tex. Frequencies: 454.675 MHz (Signaling), 454.775 MHz (Base).
- 4750-C2-P-70—Texas Mobile Telephone Co. (New), C.P. for a new (Air-Ground) station. Location: KTSM-TV, Ranger Peak, El Paso, Tex. Frequencies: 454.675 MHz (Signaling), 454.825 MHz, 454.925 MHz (Base).
- 4751-C2-P-70—Arkansas Mobile Telephone Co. (New), C.P. for a new (Air-Ground) station. Location: 200 North University Avenue, Little Rock, Ark. Frequencies: 454.675 MHz (Signaling), 454.700 MHz (Base).
- 4752-C2-P-70—Minnesota Mobile Telephone Co. (New), C.P. for a new (Air-Ground) station. Location: River Towers Apartment, 1 Gateway Center, Minneapolis, Minn. Frequencies: 454.675 MHz (Signaling), 454.850 MHz, 454.925 MHz (Base).
- 4745-C2-P-70—Mississippi Mobile Telephone Co. (New), C.P. for a new (Air-Ground) station. Location: WLBT-TV, Thigpen Road 4 miles southeast of Raymond, Jackson, Miss. Frequencies: 454.675 MHz (Signaling), 454.900 MHz (Base).
- 4746-C2-P-70—North Carolina Mobile Telephone Co. (New), C.P. for a new (Air-Ground) station. Location: 102 West Trade Street, Charlotte, N.C. Frequencies: 454.675 MHz (Signaling), 454.900 MHz (Base).
- 4747-C2-P-70—Georgia Mobile Telephone Co. (New), C.P. for a new (Air-Ground) station. Location: Brickell Building, 2451 Brickell Avenue, Miami, Fla. Frequencies: 454.675 MHz (Signaling), 454.900 MHz, 454.725 MHz, 454.775 MHz (Base).
- 4755-C2-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station. Location: 2 Circle Drive, Grand Canyon Village, Ariz. Frequencies: 454.675 MHz (Signaling), 454.975 MHz (Base).
- 4753-C2-P-70—The Mountain States Telephone and Telegraph Co. (New), C.P. for a new 1-way station. Location No. 1: 120 East Pennington Street, Tucson, Ariz. Location No. 2: 1.5 miles west of Tucson, Ariz. Location No. 3: 7042 South Craycroft Road, Tucson, Ariz., to operate on frequency 152.84 MHz.
- 4756-C2-M-70—Michigan Bell Telephone Co. (KQA767), Modification of C.P. to add auxiliary test station at location No. 1: 1365 Cass Avenue, Detroit, Mich., to operate on frequencies 459.375, 459.475, 459.550, 459.625 MHz.
- 4757-C2-P-70—Penasco Valley Telephone Cooperative, Inc. (KEK282), C.P. for an additional channel to operate on frequency 152.54 MHz at station located at approximately 4 miles north of Artesia off Highway No. 285, N. Mex.
- 4758-C2-P-70—Two-Way Radio Engineers, Inc. (KOB891), C.P. to change antenna system and replace transmitter operating on frequency 35.58 MHz at station located at 200 Berkeley Street, Boston, Mass.
- 3946-C2-P-70—Radio Telephone Co. of Gainesville (KFL922), Resubmitted Feb. 25, 1970, C.P. for an additional channel at location No. 2: 1609 South Main Street, Gainesville, Fla. to operate on frequency 152.15 MHz.
- 4759-C2-P-70—Marsh Media, Ltd. (New), C.P. for a new 2-way station to be located at 2.7 miles west of U.S. Route 87, 10.4 miles north of Amarillo, Tex., to operate on base frequency 454.025 MHz.
- 4790-C2-P-70—General Communications Service, Inc. (New), C.P. for a new (Air-Ground) station to be located at WJRL-TV Tower, 1018 West Peachtree Street NW., Atlanta, Ga., to operate on frequencies 454.675 MHz (Signaling) and 454.725, 454.775, 454.825 MHz (Base).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

- 4763-C1-P-70—New England Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies: 6249.1 and 11,305 MHz toward Ossipee, N.H. Station location: Chase Hill, 1.5 miles west of Conway, N.H.
- 4763-C1-P-70—New England Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies: 6011.9 and 10,775 MHz toward Moultonboro, N.H., and 5997.1 and 10,735 MHz toward Albany, N.H. Station location: Bennett Hill, 2.1 miles northwest of Ossipee, N.H.
- 4764-C1-P-70—The Pacific Telephone & Telegraph Co. (KMO89), C.P. to add frequencies 3770 and 3850 MHz toward Red Mountain, Calif., a new point of communication. Station location: 516 Third Street, Santa Rosa, Calif.
- 4765-C1-P-70—The Pacific Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies: 3730 and 3810 MHz toward Santa Rosa, Calif., and San Rafael, Calif. Station location: Red Mountain, 3.3 miles northeast of Kenwood, Calif.
- 4766-C1-P-70—The Pacific Telephone & Telegraph Co. (New), C.P. for a new station located at San Rafael Hill, 1.5 miles northeast of San Rafael, Calif. Frequencies: 3770 and 3860 MHz toward San Francisco, Calif., and Red Mountain, Calif.
- 4767-C1-P-70—The Pacific Telephone & Telegraph Co. (KMB63), C.P. to add frequencies 6063.8 and 6123.1 MHz toward Oakland, Calif., and 3730 and 3810 MHz toward San Rafael Hill, Calif., a new point of communication. Station location: 99 Moultrie Street, San Francisco, Calif.
- 4768-C1-P-70—The Pacific Telephone & Telegraph Co. (KMO86), C.P. to add frequencies 6315.9 and 6376.2 MHz toward San Francisco, Calif. Station location: 1587 Franklin Street, Oakland, Calif.
- 4769-C1-P-70—Northwestern Bell Telephone Co. (KBI53), C.P. to add frequency 3950 MHz toward Masonville, Iowa, and delete frequency 3950 MHz toward Raymond, Iowa. Station location: 2 miles northeast, Vinton, Iowa.
- 4770-C1-P-70—Northwestern Bell Telephone Co. (KBI55), C.P. to add frequency 3990 MHz toward Farley, Iowa. Station location: 2 miles south-southeast of Masonville, Iowa.
- 4771-C1-P-70—Northwestern Bell Telephone Co. (KBI56), C.P. to add frequency 3950 MHz toward Dubuque, Iowa. Station location: 0.25 mile south of Farley, Iowa.
- 4772-C1-P-70—Northwestern Bell Telephone Co. (KBI49), C.P. to add frequency 3990 MHz toward Dubuque, Iowa (KDUB-TV). Station location: 2221 Carter Road, Dubuque, Iowa.
- American Telephone & Telegraph Co. Sixteen C.P. applications to provide one additional pair of Type TD-3 telephone channels between Adams and Houston, Tex., and one pair of Type TD-2 telephone channels between Katy and Dayton, Tex. via Spring, Tex.
- 4773-C1-P-70—American Telephone & Telegraph Co. (KKH66), Add frequency 4030 MHz toward Roanoke, Tex. Station location: Adams, 3.6 miles northeast of Frisco, Tex.
- 4774-C1-P-70—American Telephone & Telegraph Co. (KY291), Add frequency 4070 MHz toward Adams, Tex., and 3990 MHz toward Kennedale, Tex. Station location: 4.9 miles northwest of Roanoke, Tex.
- 4775-C1-P-70—American Telephone & Telegraph Co. (KY292), Add frequency 3950 MHz toward Roanoke, Tex., and Itasca, Tex. Station location: 3 miles southeast of Kennedale, Tex.
- 4776-C1-P-70—American Telephone & Telegraph Co. (KZA33), Add frequency 3990 MHz toward Kennedale, Tex., and West, Tex. Station location: 2.4 miles east of Itasca, Tex.
- 4777-C1-P-70—American Telephone & Telegraph Co. (KZA34), Add frequency 3950 MHz toward Itasca and Riesel, Tex. Station location: 1 mile north of West, Tex.
- 4778-C1-P-70—American Telephone & Telegraph Co. (KZA35), Add frequency 3990 MHz toward West and Hammond, Tex. Station location: 2.4 miles east-southeast of Riesel, Tex.
- 4779-C1-P-70—American Telephone & Telegraph Co. (KZA36), Add frequency 3950 MHz toward Riesel, Tex., and Caldwell, Tex. Station location: 0.5 mile west of Hammond, Tex.
- 4780-C1-P-70—American Telephone & Telegraph Co. (KZA37), Add frequency 3990 MHz toward Hammond, Tex., and Independence, Tex. Station location: 10 miles north of Caldwell, Tex.
- 4781-C1-P-70—American Telephone & Telegraph Co. (KZA38), Add frequency 3950 MHz toward Caldwell, Tex., and Pattison, Tex. Station location: 1.9 miles east of Independence, Tex.

Major Amendment

4242-C2-P-69—Tel-Page Corp. (New), C.P. to operate on frequency 454.05 MHz. All other particulars remain the same as reported on public notice dated Jan. 27, 1969, Report No. 424.

Corrections

3036-C2-P-69—Phone Depots, Inc., doing business as Mobilfone Radio System. (New). Correct to read: Major Amendment.

2376-C2-P-69—Phone Depots, Inc., doing business as Mobilfone Radio System. (New). Correct to read: To operate on frequency 162.24 MHz at the following additional locations: Location No. 2: 110-11 Queens Boulevard, New York, N.Y. Location No. 3: 5800 Arlington Avenue, New York, N.Y. Location No. 4: 20 Exchange Place, New York, N.Y. Refer to Report No. 411 dated Oct. 28, 1968, and No. 416 dated Dec. 2, 1968.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference.

New York

Polito Communications, Inc. (New), 1900-C2-P-70.

Tel-Page Corp. (KEC941), 1182-C2-P-70.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

- 3171-C1-R-70—General Telephone Co. of California (KZ131), Renewal of Developmental License expiring Mar. 1, 1970. Term: Mar. 1, 1970-Mar. 1, 1971.
- 4718-C1-MP-70—Carolina Telephone & Telegraph Co. (WAD68), Modification of C.P. to add frequency 3870 MHz toward Montrose, N.C. Station location: 719 McGilvary Street, Fayetteville, N.C.
- 4719-C1-MP-70—Carolina Telephone & Telegraph Co. (WAD69), Modification of C.P. to add frequency 3910 MHz toward Fayetteville, N.C., and Hamlet, N.C. Station location: 0.9 mile southeast of Montrose, N.C.
- 4720-C1-MP-70—General Telephone Co. of the Southeast (KIA70), Modification of C.P. to add frequencies 3770 and 3850 MHz toward Short Mountain, Tenn., and 10,795 and 11,035 MHz toward Buck Mountain, Tenn., all new points of communication.
- 4721-C1-P-70—General Telephone Co. of the Southeast (New), C.P. for a new station to be located at 3.8 miles east-northeast of the intersection Routes 42 and 70 North, Cookeville, Tenn. To operate on frequencies 11,285 and 11,525 MHz toward Monterey, Tenn., and 11,245 and 11,485 MHz toward Cookeville, Tenn.
- 4722-C1-P-70—General Telephone Co. of the Southeast (New), C.P. for a new station to be located at 3.6 miles southeast of intersection Routes 84 and 70 North, Monterey, Tenn. To operate on frequencies 10,835 and 11,075 MHz toward Buck Mountain, Tenn. and 5989.7 and 6108.3 MHz toward Crossville, Tenn.
- 4723-C1-P-70—General Telephone Co. of the Southeast (New), C.P. for a new station located at intersection of West Stanley and West Avenue, Crossville, Tenn., to operate on frequencies 6241.7 and 6360.4 MHz toward Monterey, Tenn.
- 4729-C1-P-70—Pacific Power & Light Co. (New), C.P. for a new station located at 28 Sixth Street West, Columbia Falls, Mont., operating on frequencies 10,755 and 10,995 MHz via passive reflector.
- 4730-C1-MP-70—Pacific Power & Light Co. (KKU21), Modification of C.P. to add frequencies 11,285 and 11,525 MHz to Columbia Falls, Mont., a new point of communication. Station location: 3.3 miles south-southwest of La Salle, Mont.
- 4758-C1-P-70—New England Telephone & Telegraph Co. (KZ161), C.P. to add frequencies 11,445 and 11,485 MHz toward Gilford, N.H. Station location: 762 North Main Street, Laconia, N.H.
- 4760-C1-P-70—New England Telephone & Telegraph Co. (KZ160), C.P. to add frequencies 10,915 and 10,955 MHz toward Laconia, N.H., and 5997.1 and 10,735 MHz toward Moultonboro, N.H., a new point of communication. Station location: Gilford, 3 miles east-southeast of Laconia, N.H.
- 4761-C1-P-70—New England Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies: 6249.1 and 11,305 MHz toward Gilford, N.H., and 6264.0 and 11,345 MHz toward Ossipee, N.H. Station location: Hollingsworth Hill, 3.6 miles west of Melvin Village, N.H.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

4782-C1-P-70—American Telephone & Telegraph Co. (KZA39), Add frequency 3990 MHz toward Independence, Tex., and Rosenberg, Tex. Station location: 8.6 miles north of Pattison, Tex.

4783-C1-P-70—American Telephone & Telegraph Co. (KZA40), Add frequency 3950 MHz toward Pafflison, Tex., and Arcola, Tex. Station location: 1.8 miles west of Rosenberg, Tex.

4784-C1-P-70—American Telephone & Telegraph Co. (KZA41), Add frequency 3990 MHz toward Rosenberg, Tex., and Houston, Tex. Station location: 2.1 miles northwest of Arcola, Tex.

4785-C1-P-70—American Telephone & Telegraph Co. (KKN23), Add frequency 3950 MHz toward Arcola, Tex. Station location: 1407 Jefferson Street, Houston, Tex.

4786-C1-P-70—American Telephone & Telegraph Co. (KLC43), Add frequency 3910 MHz toward Spring, Tex. Station location: 2 miles north-northeast of Katy, Tex.

4787-C1-P-70—American Telephone & Telegraph Co. (KGP77), Add frequency 3870 MHz toward Katy, Tex., and 3730 and 3810 MHz toward Dayton, Tex. Station location: 2.3 miles south-southwest of Spring, Tex.

4788-C1-P-70—American Telephone & Telegraph Co. (KLV93), Add frequency 4010 MHz toward Spring, Tex. Station location: 5.9 miles west-southwest of Dayton, Tex.

Correction

The following renewal applications accepted for the term: Feb. 1, 1970, to Feb. 1, 1971, United Telephone Co. of Ohio, correct Call Sign KQK45 Belfontaine to read KQK45. All other terms same as listed in Report No. 470, dated Jan. 12, 1970.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)

4792-C1-M-70—Mid-Kansas, Inc. (KBC61), Modification of license to change frequency 6286.2 to 6256.5 MHz toward Salina and McPherson, Kans. Location: 2 miles, northeast of Abilene, Kans., at lat. 38°57'32" N., long. 97°12'18" W.

4811-C1-P-70—United Video, Inc. (New), C.P. for a new station, located at 2 miles east-southeast of Dallas City, Ill., at lat. 40°37'24" N., long. 91°07'53" W. Frequencies: 10.735 and 10.895 MHz on azimuth 318°31'.

American Microwave & Communications, Inc., has filed the following applications for construction permits to change licensed frequencies and to replace licensed equipment with Raytheon, Type KTR3A transmitters as set forth below:

4827-C1-P-70 (KQL24), C.P. for frequencies 5982.3, 6100.9, 6180.2 MHz toward Mackinaw City, Mich., azimuth 18°46', and 6100.9, 6180.2 MHz toward Potosky, Mich., on azimuth 209°24'. Location: 4 miles northeast of Harbor Springs, Mich., at lat. 45°28'00" N., long. 84°54'04" W.

4828-C1-P-70 (KQL25), Location: 1 mile west-southwest of Mackinaw City, Mich., at lat. 45°46'40" N., long. 84°45'00" W. Frequencies: 6189.8, 6367.7 toward Trout Lake, Mich., on azimuth 341°28' and 6308.4, 6367.7, toward Ignace, Mich., on azimuth 07°59' and 6308.4, 6367.7, toward Cheyboygan, Mich., on azimuth 127°11'.

4829-C1-P-70 (KQM45), Location: 1.5 miles southeast of Elmira, Mich., at lat. 45°02'23" N., long. 84°50'23" W. Frequencies: 6278.8, 6338.1, 6397.4 MHz toward Nubs Nob, Mich., 354°13', 6338.1, 6397.4 MHz toward Charlevoix, Mich., 315°51', and frequencies 6338.1, 6397.4 MHz toward Boyne City, Mich., 307°06'.

Western Telecommunications, Inc., has filed the following applications for construction permits and modification of construction permits to change the authorized frequencies at the stations listed below:

4793-C1-MP-70 (KPU36), Location: 5 miles northeast of Whitehall, Mont., at lat. 45°55'20" N., long. 112°01'24" W.

6212.1H, 6271.4H, 6330.7V, 6360.3H, 6390.0V, Bozeman Pass, Mont., 107°02'.

6212.1H, 6271.4H, 6330.7V, 6360.3H, 6390.0V, Bozeman, Mont., 109°02'.

6212.1H, 6271.4H, 6330.7V, 6360.3H, 6390.0V, "XL" Heights, Mont., 286°27'.

6212.1H, 6330.7V, 6360.3H, 6390.0V, Baldy Mountain, Mont., 43°47'.

4794-C1-MP-70 (KPU37), Location: Bozeman Pass, 12 miles west of Livingston, Mont., at lat. 45°38'54" N., long. 110°49'04" W.

5960.0H, 6019.3H, 6108.3V, 6137.9H, 6167.6V, Livingston, Mont., 85°55'.

5960.0H, 6019.3H, 6108.3V, 6137.9H, 6167.6V, Greycliff, Mont., 72°36'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)—continued

4795-C1-MP-70 (KPU43), Location: 18 miles northeast of Greycliff, Mont., at lat. 45°55'35" N., long. 109°29'44" W.

6212.0H, 6241.7V, 6301.0V, 6330.7H, 6360.3V, Little Belt Mountain, Mont., 339°04'.

6212.0H, 6241.7V, 6301.0H, 6360.3H, Greeno, Mont., 122°55'.

6212.0H, 6241.7V, 6301.0V, 6330.7H, Big Timber, Mont., 250°17'.

4796-C1-MP-70 (KPU43), Location: Little Belt Mountain, 8 miles southwest of Buffalo, Mont., at lat. 44°46'50" N., long. 109°57'10" W.

5989.7H, 6049.0H, 6108.3H, 6137.9V, Lewistown, Mont., 48°52'.

6108.3H, 6137.9V, Little Rockies, Mont., 38°16'.

6019.3V Highwood Peak, Mont., 323°28'.

4797-C1-MP-70 (KPR99), Location: 3.5 miles northeast of Sarpy, Mont., at lat. 45°50'27" N., long. 106°54'39" W.

6301.0V, 6330.7H, 6360.3V, 6390.0H, Miles City, Mont., 50°23'.

6301.0V, 6330.7H, 6360.3V, 6390.0H, Hardin, Mont., 260°14'.

4798-C1-P-70 (KPS68), Location: "XL" Heights, 3 miles east of Butte, Mont., at lat. 46°00'27" N., long. 112°26'30" W.

5980.0H, 5989.7V, 6019.3H, 6049.0V, 6078.6H, Butte, Mont., 263°49'.

5980.0H, 5989.7V, 6019.3H, 6049.0V, 6078.6H, Anaconda, Mont., 288°09'.

4799-C1-MP-70 (KPV60), Location: Greeno, 11.5 miles southeast of Laurel, Mont., at lat. 45°32'04" N., long. 108°38'28" W.

6049.0V, 6078.6H, 6108.3V, 6137.9H, 6167.6V, Billings (OATV), Mont., 13°29'.

6078.6H, 6108.3V, Billings (KULE), Mont., 30°10'.

6049.0V, 6078.6H, 6108.3V, 6137.9H, 6167.6V, Sarpy, Mont., 75°12'.

6078.6H, 6108.3V, 6137.9H, 6167.6V, Red Lodge, Mont., 229°59'.

6078.6H, 6108.3V, 6137.9H, 6167.6V, Laurel, Mont., 326°22'.

4800-C1-P-70 (KSQ38), Location: 1 mile northwest of Miles City, Mont., at lat. 46°25'45" N., long. 105°52'30" W.

5980.0H, 6019.3H, 6078.6H, 6137.9H, Terry, Mont., 49°03'.

4801-C1-P-70 (KSQ29), Location: Fox Creek, 9.4 miles west of Sidney, Mont., at lat. 47°42'30" N., long. 104°21'09" W.

6212.0H, 6271.4H, 6330.7H, 6390.0H, Williston, N. Dak., 47°18'.

6212.0H, 6271.4H, 6330.7H, 6390.0H, Sidney, Mont., 88°30'.

4802-C1-P-70 (KSQ30), Location: Glendive Knob, 5 miles south of Glendive, Mont., at lat. 47°03'27" N., long. 104°40'03" W.

6019.3H, 6078.6H, 6137.9H, 6108.3V, Fox Creek, Mont., 18°05'.

6019.3H, 6078.6H, 6137.9H, 6108.3V, Glendive, Mont., 335°45'.

4803-C1-P-70 (KSQ31), Location: 4.5 miles south-southwest of Terry, Mont., at lat. 46°43'47" N., long. 105°22'10" W.

6212.0H, 6271.4H, 6330.7H, 6390.0H, Glendive Knob, Mont., 55°29'.

4804-C1-P-70 (KSQ33), Location: Blackhorse, 6 miles north of Great Falls, Mont., at lat. 47°35'43" N., long. 111°20'25" W.

6301.0H, Baldy Mountain, Mont., 176°51'.

4805-C1-P-70 (KSQ34), Location: 233 East Main Street, Bozeman, Mont., at lat. 45°40'43" N., long. 111°01'57" W.

6137.9V, Whitehall, Mont., 289°44'.

4806-C1-P-70 (KSQ35), Location: South 10th Street, Great Falls, Mont., at lat. 47°29'32" N., long. 111°15'11" W.

6137.9V, Blackhorse, Mont., 330°09'.

4807-C1-P-70 (KSQ40), Location: Garnet Knoll, 22 miles north-northwest of Deer Lodge, Mont., at lat. 46°42'10" N., long. 112°52'53" W.

6212.0H, 6271.4H, 6330.7H, 6390.0H, Mosquito Peak, Mont., 294°26'.

6271.4H, 6330.7H, 6390.0H, Deer Lodge, Mont., 159°55'.

4808-C1-P-70 (KSQ41), Location: Mosquito Peak, 10.5 miles north of Missoula, Mont., at lat. 47°02'24" N., long. 113°59'03" W.

5937.8V, 5997.1V, 6056.4V, 6115.7V, Blacktail Peak, Mont., 345°13'.

6026.7H, Missoula, Mont., 183°04'.

[F.R. Doc. 70-2700; Filed, Mar. 4, 1970; 8:45 a.m.]

[FCC 70-213]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

FEBRUARY 27, 1970.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on April 7, 1970, the following standard broadcast application will be considered as ready and available for processing:

New, Jasper, Ga., Robert P. Schwab doing business as Pickens Broadcasting Co., Req: 1580 kc, 250 w, Day.

Pursuant to § 1.227(b) (1), § 1.591(b) and Note 2 to § 1.571 of the Commission's rules,¹ an application, in order to be considered with the above application must be in direct conflict with said application, substantially complete and tendered for filing at the offices of the Commission by the close of business on April 6, 1970.

The attention of any party in interest desiring to file pleadings concerning the application pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Action by the Commission February 26, 1970.²

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-2699; Filed, Mar 4, 1970;
8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 20]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

FEBRUARY 27, 1970.

The following applications are governed by Special Rule 1.247³ of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably

to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1936 (Sub-No. 34), filed February 4, 1970. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Com-

mission, commodities in bulk, and those requiring special equipment), between Mansfield, Ohio, and Fort Wayne, Ind.; from Mansfield over U.S. Highway 30 to junction U.S. Highways 30N and 30S, thence over U.S. Highway 30N to junction U.S. Highways 30N and 30S, thence over U.S. Highway 30 to Fort Wayne, Ind., and return over the same route, as an alternate route for operating convenience only; serving no intermediate points. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 1936 (Sub-No. 35), filed February 4, 1970. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Wayne, Ind., and Perrysburg, Ohio, over U.S. Highway 24 to Perrysburg and return over the same route, as an alternate route for operating convenience only; serving no intermediate points. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 2900 (Sub-No. 189), filed February 2, 1970. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (a) *General commodities* (except those of unusual value, classes A and B explosives, concrete products, household goods as defined by the Commission, and those requiring special equipment), (1) between Roanoke, Va., and Wytheville, Va.: From Roanoke over U.S. Highway 460 to its junction with Interstate Highway 81, thence over Interstate Highway 81 to Wytheville and return over the same route, in connection with carrier's authorized regular-route operations, serving no intermediate points, and serving Wytheville, Va., for joinder purposes only; and (2) between Wytheville, Va., and Statesville, N.C.: From Wytheville, Va., over U.S. Highway 21 to Statesville, N.C., and return over the same route, in connection with carrier's authorized regular-route operations, serving no intermediate points, and serving Wytheville for joinder purposes only; and (b) *general commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Cincinnati, Ohio, and Chillicothe, Ohio, over U.S. Highway 50, serving Chillicothe for joinder purposes only; (2) between Chillicothe, Ohio, and

¹ See report and order released July 18, 1968, FCC 68-739, Interim Criteria to Govern Acceptance of Standard Broadcast Applications, 33 F.R. 10343, 13 RR 2d 1667.

² Commissioners Burch (Chairman), Bartley, Robert E. Lee, Cox, H. Rex Lee, and Wells, with Commissioner Johnson dissenting.

³ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Athens, Ohio, over U.S. Highway 50, serving the termini for joinder purposes only; (3) between Athens, Ohio, and junction U.S. Highways 21 and 50, at or near Parkersburg, W. Va., over U.S. Highway 50, serving the termini for joinder purposes only; (4) between Grafton, W. Va., and junction U.S. Highway 50 and Interstate Highway 81 at or near Winchester, Va., over U.S. Highway 50, serving the termini for joinder purposes only; and (5) between junction U.S. Highway 50 and Interstate Highway 81 at or near Winchester, Va., and junction U.S. Highways 50 and 1 at or near Washington, D.C., over U.S. Highway 50, serving the termini for joinder purposes only. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.; Atlanta, Ga.; or Washington, D.C.

No. MC 13087 (Sub-No. 30), filed December 1, 1969. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, Iowa 50401. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from points in Fillmore County, Minn., to points in Iowa and Wisconsin. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplication is sought. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 52110 (Sub-No. 116), filed January 25, 1970. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, Iowa 50312. Applicant's representative: Homer E. Bradshaw, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at Albert Lea, Minn., and Cedar Rapids, Iowa, to points in the District of Columbia, Maryland, New Jersey, New York, and Pennsylvania, restricted to the transportation of traffic originating at the above-specified plantsites and destined to the above-specified destinations. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 61592 (Sub-No. 167), filed February 2, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber and rubber products*, between the plantsite of General Tire and Rubber Co. at or near May-

field, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, and Texas. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at the same time and place as identical application of Davis Transport, Inc., MC 111397, Sub 88.

No. MC 74857 (Sub-No. 28), filed January 30, 1970. Applicant: FULLER MOTOR DELIVERY CO., 802 Plum Street, Cincinnati, Ohio 45202. Applicant's representative: David A. Caldwell, 900 Tri-State Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Akron, Ohio, to points in Indiana, Kentucky, and Ohio. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has an application under MC 133133 pending for conversion all of its contract carrier permits to common carrier authority. By reason of the pending conversion application the applicant requests that the present application be considered in the alternate as an application for common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Indianapolis, Ind.

No. MC 80389 (Sub-No. 2), filed February 4, 1970. Applicant: RUSSELL E. HARTCOCK, doing business as ACTION MURRAY VAN LINES, 1855 West Hovey, Springfield, Mo. 65804. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, meat products, meat byproducts, packinghouse products, cheese, dairy products, foodstuffs and food products*, all requiring temperature control, and *advertising or display material* used in connection with the display and sale of such commodities; (a) from points in Greene County, Mo., to points in Madison and St. Clair Counties, Ill.; Wyandotte, Johnson, Miami, Linn, Bourbon, Crawford, and Cherokee Counties, Kans.; Ottawa, Craig, Delaware, Mayes, Cherokee, Muskogee, and Adair Counties, Okla.; and Benton, Washington, Madison, Carroll, Boone, Marion, Searcy, and Baxter Counties, Ark.; (b) between points in Greene County, Mo.; on the one hand, and, on the other, points in Missouri; (c) from points in Madison and St. Clair Counties, Ill., to points in Benton, Washington, Madison, Carroll, Boone, Marion, Searcy, and Baxter Counties, Ark.; and Vernon, Barton, Jasper, Newton, McDonald, Barry, Lawrence, Dade, Cedar, St. Clair, Hickory, Polk, Greene, Stone, Taney, Christian, Webster, Dallas, Camden, Laclede, Wright, Douglas, Ozark, Howell, Texas, Pulaski, New Madrid, Dunklin, Pemiscot, Mississippi, Stoddard, Butler, Ripley, Oregon, Shannon, Reynolds, Bollinger, Scott, Perry,

Cape Girardeau, Ste. Genevieve, and Carter Counties, Mo.; and (d) from St. Louis, Mo., and points in St. Louis County, Mo., to points in Benton, Washington, Madison, Carroll, Boone, Marion, Searcy, and Baxter Counties, Ark.; Wyandotte, Johnson, Miami, Linn, Bourbon, Crawford, and Cherokee Counties, Kans.; and Ottawa, Craig, Delaware, Mayes, Cherokee, Muskogee, and Adair Counties, Okla. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Kansas City, or St. Louis, Mo.

No. MC 83539 (Sub-No. 272), filed February 3, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representatives: Wiley Willingham (same address as applicant), and Thomas E. James, The 904 Layac Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors); (2) *agricultural implements and machinery*; and (3) *attachments for, and equipment designed for use with the articles described in (1) and (2) above* when moving in mixed loads with the articles described in (1) and (2) above, from ports of entry on the international boundary line between the United States and Canada located in New York to points in the United States (except Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming), restricted to traffic in foreign commerce originating at the plant, warehouse, or distribution facilities of the International Harvester Co. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 103993 (Sub-No. 497), filed February 2, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Ralph H. Miller and Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobile, in initial movements, from points in Minnesota (except St. Paul, Park Rapids, Red Lake Falls, New Richland, and Mankato, Minn., and points in Brown and Scott Counties, Minn.) to points in the United States (except Indiana, Alaska, and Hawaii); (2) *buildings*, in sections, on undercarriages, from points in Minnesota (except Red Lake Falls, Park Rapids, New Richland, and St. Paul, Minn.) to points in California, Colorado, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island,

South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, Wyoming, and the District of Columbia; (3) *truck campers and camp coaches*, from points in Minnesota (except points in Scott County, Minn.) to points in the United States, including Alaska (but excluding Hawaii); and (4) *motor homes*, from points in Minnesota to points in the United States (except Alaska and Hawaii), in truckaway service. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 103993 (Sub-No. 499), filed February 5, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Ralph H. Miller and Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, from points in Yazoo County, Miss., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 106398 (Sub-No. 452), filed February 4, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Ouachita Parish, La., to points in Texas, Oklahoma, Mississippi, Arkansas, Missouri, Alabama, and Tennessee. **NOTE:** Applicant states that the authority sought herein could be tacked with applicant's existing authority but it is not the purpose of this application to do so. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Monroe or Shreveport, La.

No. MC 106674 (Sub-No. 68), filed February 10, 1970. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, Ind. 46923. Applicant's representative: Thomas R. Schilli (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pallets, skids, bases, boxes, and crating*, from the plantsite of Central Container, Inc., at or near Paragon, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin; and (2) *lumber, metal fasteners, strapping, and paint*, from points in Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, to the plantsite of Central Container, Inc., at or near Paragon, Ind. **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with

its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 106920 (Sub-No. 33), filed February 2, 1970. Applicant: RIGGS FOOD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: Carroll V. Lewis, 122 East North Street, Sidney, Ohio 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) in vehicles equipped with mechanical refrigeration, from Jacksonville (Morgan County), Ill., to points in Pennsylvania, New York, New Jersey, Connecticut, Ohio, Massachusetts, Delaware, Maryland, Rhode Island, Virginia, West Virginia, District of Columbia, North Carolina, and South Carolina. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 297), filed February 2, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products; and materials and supplies* used in the installation and distribution thereof, from Akron, N.Y., Chicago, Ill., Fort Dodge, Iowa, Grand Rapids, Mich., points in Marshall County, Kans., and Wilmington, Del., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. **NOTE:** Applicant states tacking may take place at Chicago, Ill., Fort Dodge, Iowa and Grand Rapids, Mich., on traffic originating in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin for transportation beyond, as authorized in MC 107295, Part (B). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 785) (Correction), filed January 5, 1970, published in the FEDERAL REGISTER issue of February 19, 1970, and republished as corrected, this issue. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, from Caddo Parish, La., to points in Arkansas, Louisiana, Mississippi, and Texas; and (2) *liquid sulphur*, in bulk, in tank vehicles, from McKamie, Ark., to Caddo Parish, La. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to include the commodity description in (2) above which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107544 (Sub-No. 88), filed February 6, 1970. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. 24354. Applicant's representative: Daryl J. Henry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Charlotte, N.C., to points in New Jersey, New York, Pennsylvania, and Virginia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 113959 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 108207 (Sub-No. 289), filed January 23, 1970. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Post Office Box 5883, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shellac* (granulated in bags) in mechanical refrigerated vehicles, from Memphis, Tenn., to San Jose, Calif. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Dallas, Tex.

No. MC 109324 (Sub-No. 21), filed February 2, 1970. Applicant: GARRISON MOTOR FREIGHT, INC., Garrison Place, Post Office Box 969, Harrison, Ark. 72601. Applicant's representative: Louis Tarlowski, 914 Pyramid Lift Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and pulpboard boxes*, between Harrison, Ark., on the one hand, and, on the other, points in Kansas, Illinois, Louisiana, Missouri, and Oklahoma. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 109397 (Sub-No. 194), filed January 26, 1970. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Interstate Business Route I-44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, byproduct radioactive materials, component parts and containers thereof*, between the Kerr McGee Sequoyah facility at or near Gore, Okla., on the one hand, and, on the other, Oak Ridge Gaseous Diffusion Plant, Oak Ridge, Tenn.; Paducah Gaseous Diffusion Plant and Feed Materials Plant at or near Paducah, McCracken County, Ky.; and Portsmouth Gaseous Diffusion Plant and Feed Materials Plant at or near Portsmouth, Ohio. **NOTE:** Applicant states that it is not aware of any feasible tacking operations that would result

from a grant therein, however, applicant opposes the imposition of a tacking restriction. Applicant further states that no duplicating authority is being sought. Applicant has contract carrier authority in MC 128814 and Sub 5 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 111496 (Sub-No. 11), filed February 4, 1970. Applicant: TWIN CITY FREIGHT, INC., 2280 Ellis Avenue, St. Paul, Minn. 55114. Applicant's representative: John M. Records, Post Office Box 8462, 92d at State Line, Kansas City, Mo. 64114. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk and those requiring special equipment), serving the terminal site of Yellow Freight System, Inc., located at Burnsville, Minn., as an off-route point in connection with carrier's presently authorized regular-route operations to and from Minneapolis-St. Paul, Minn. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 112822 (Sub-No. 150), filed January 2, 1970. Applicant: BRAY LINES INCORPORATION, 1401 North Little Street, Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, (1) from Jacksonville (Morgan County), Ill., to points in Arkansas, Colorado, Kansas, Kentucky, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wyoming; and (2) from Sherman (Grayson County), Tex., to points in Arkansas, Colorado, Illinois, Kansas, Missouri, Nebraska, Oklahoma, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. Applicant further states that no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 113362 (Sub-No. 177), filed February 9, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the plantsite and storage facilities of Rath Packing Co. at Waterloo and Columbus Junction, Iowa, to points in

Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 114969 (Sub-No. 31), filed February 6, 1970. Applicant: PROPANE TRANSPORT, INC., 1734 State Route 131, Milford, Ohio. Applicant's representatives: James R. Stiverson and Edwin H. van Deusen, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Sun Oil Co. plantsite at or near Oregon, Ohio (Toledo, Ohio), to points in the Lower Peninsula of Michigan (except Hillsdale and Lenawee Counties and points in Monroe County, on and west of U.S. Highway 23). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 117147 (Sub-No. 2), filed February 2, 1970. Applicant: STAR'S TRANSPORTATION, INC., Upper Main Street, North Troy, Vt. 05859. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, forest products, and manufactured wood products*, from Morrisville, Vt., to points in Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Ohio, Indiana, Wisconsin, Illinois, Michigan, and District of Columbia, under contract with North American Phillips Corp. (Atlas Plywood Division) New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Burlington, Vt.

No. MC 118816 (Sub-No. 5), filed February 4, 1970. Applicant: MATERIALS TRANSPORT SERVICE, INC., Post Office Box 98, Whitehall, Pa. 18052. Applicant's representative: Beverly S. Simms, 1100 17th Street NW, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, concrete mix, mortar mix, sand mix, and masonry cement*, from Devault and Howellville (both in Chester County; within 5 miles of Paoli, Pa.), Pa., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it

be held at Philadelphia, Pa., and Washington, D.C.

No. MC 118959 (Sub-No. 74), filed February 2, 1970. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, expanded plastic articles, and insulation materials*, from Belvidere, Ill., to points in the United States (except Hawaii and Alaska). NOTE: Applicant presently holds contract carrier authority under its permit No. MC 125664, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 118959 (Sub-No. 75), filed February 2, 1970. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, or ducts or race-ways; wrought iron or steel, conduit pipe fittings; wrought iron or steel, and conduit pipe or tubing welded steel*, from (a) plantsite of Jones & Laughlin Steel Corp., at New Kensington, Pa., to points in Illinois, Missouri, Kansas, Kentucky, Louisiana, Mississippi, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Indiana, Tennessee, Alabama, Arkansas, Oklahoma, Texas, New Mexico, Colorado, and Arizona; and (b) from plantsite of Jones & Laughlin Steel Corp. at Niles, Ohio, to points in (a) above. NOTE: Applicant presently holds contract carrier authority under its permit No. MC 125664, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Cleveland, Ohio.

No. MC 118959 (Sub-No. 76), filed February 2, 1970. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and equipment, materials, and supplies* used in the manufacture and processing of paper and paper products (except commodities in bulk), between Reading, Pa., on the one hand, and, on the other, points in New York, New Jersey, Maryland, Virginia, West Virginia, South Carolina, North Carolina, Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Texas, Missouri, Illinois, Indiana, Ohio, Michigan, California, Oregon, Colorado, Utah, Idaho, Washington, Arizona, New Mexico, and Washington, D.C. NOTE: Applicant holds contract carrier authority under Docket No. MC 125664, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 118989 (Sub-No. 37), filed January 28, 1970. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, from Cook County, Ill., to points in Kentucky, Michigan, Indiana, and Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119493 (Sub-No. 52) (amendment) filed October 30, 1969, published in FEDERAL REGISTER issue of November 27, 1969, amended February 4, 1970, and republished as amended, this issue. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, Mo. 64801. Applicant's representative: Ray F. Kempt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural insecticides, pesticides and organic phosphate compound mixtures* (except in bulk); (a) between plantsites, producing points and warehouse facilities of Chemagro Corp. in Wisconsin, Illinois, Louisiana, and Arkansas; and (b) from Chemagro Corp.'s plantsites, producing points and warehouse facilities in Wisconsin, Illinois, Louisiana, and Arkansas to points in Louisiana, Missouri, Arkansas, Kansas, Iowa, Nebraska, Wisconsin, Minnesota; North Dakota, South Dakota, Illinois, Indiana, Oklahoma, Kentucky, Tennessee, Texas, New Mexico, Colorado, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina; and (2) *supplies and materials* used in the manufacture and distribution of commodities in (1) above from all destination States to origin points in (1-a) above. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Duplicating authority is being sought. The purpose of this republication is to broaden the scope of authority sought and to restrict against transportation "in bulk". If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119872 (Sub-No. 7), filed February 9, 1970. Applicant: GULF TRANSPORT, LIMITED, 61 St. Peters Road, Charlottetown, Prince Edward Island, Canada. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish packing materials, such as overwraps and cardboard cartons*, from Gloucester, Mass., and Westbrook and Portland, Maine, to ports of entry on the international boundary line between the United States and Canada located in Maine. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 124070 (Sub-No. 15), filed February 6, 1970. Applicant: CHEMICAL HAULERS, INC., 5723 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, and related products*, in bulk, in tank vehicles, between the plantsite of Northern Petrochemical Co. located in Grundy County, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124211 (Sub-No. 144), filed February 2, 1970. Applicant: HILT TRUCK LINES, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Clarinda, Postville, and Storm Lake, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Note: Applicant will tack any unrestricted grant of authority with various authorities held in MC 124211 and subs thereunder to provide a through service to destinations here involved. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 126025 (Sub-No. 2), filed February 2, 1970. Applicant: BALLARD TRANSFER OF WASHINGTON, INC., doing business as BALLARD TRANSFER CO., a corporation, 2417 Northwest Market Street, Seattle, Wash. 98107. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* which because of their size or weight require the use of special equipment, between Seattle, Wash., on the one hand, and, on the other points in Washington, Oregon, Idaho, and Montana under a continuing contract for Northwest Steel Rolling Mills, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 127960 (Sub-No. 5), filed November 19, 1969. Applicant: GUS VANDER POL AND HENRY VANDER POL, a partnership, doing business as OAK HARBER FREIGHT LINES, 6314 Seventh Avenue South, Seattle, Wash.

98108. Applicant's representative: William Q. Marshall, 554 Central Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); (1) between Seattle and Blaine, Wash., over Interstate Highway 5, serving the intermediate point of Bellingham; the intermediate or off-route point of Ferndale; and the off-route points of Mountain View, Neptune Beach, and Birch Bay, Wash.; (2) between Seattle and Sumas, Wash., from Seattle over Interstate Highway 5 to Bellingham, thence over U.S. Highway 99A to junction Washington Highway 546, thence over Washington Highway 546 to junction Washington Highway 9, thence over Washington Highway 9 to Sumas, and return over the same route, serving the intermediate point of Laurel; the intermediate or off-route point of Lynden; and the off-route points of Everson and Nooksack, Wash.; and (3) between Bellingham, Wash., and junction Washington Highways 9 and 546, from Bellingham over Washington Highway 542 to junction Washington Highway 9, thence over Washington Highway 9 to junction Washington Highways 9 and 546, serving no intermediate or off-route points, as an alternate route for operating convenience only. Note: Applicant states that the purpose of this requested authority is to provide an interstate or foreign motor common carrier service between Seattle and the above-designated Whatcom County, Wash., points, as well as a local interstate or foreign motor common carrier service between the above designated Whatcom County points. Applicant further states that it will interline and interchange with other carriers at Seattle and Bellingham. All duplications with presently held authority to be eliminated. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Bellingham, Wash.

No. MC 128343 (Sub-No. 10) (Clarification), filed January 26, 1970, published FEDERAL REGISTER issue of February 19, 1970, and republished in part as clarified this issue. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronald N. Corbert, 1730 M Street NW., Suite 501, Washington, D.C. 20036. The purpose of this partial republication in part is to correctly set forth commodity description to read, "*Commodities of unusual value in mixed loads with other general commodities and other general commodities in mixed loads with commodities of unusual value*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment." The rest of the application remains the same.

No. MC 128735 (Sub-No. 5), filed February 2, 1970. Applicant: ALVINE GOLNIK, doing business as GOLNIK

TRUCKING, 731 Second Avenue, Koppel, Pa. 16136. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gravity and electrical conveyors, conveyor sections, stands, chutes, and component parts thereof*, from the plantsites of Mathews Conveyor Division of Rex Chainbelt, Inc., at Ellwood City, Pa., and the village of Frisco, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Mississippi, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and California; and *materials* used in the manufacture of the aforesaid commodities, from points in the aforesaid States, to the plantsites of Mathews Conveyor Division of Rex Chainbelt, Inc., at Ellwood City, Pa., and the village of Frisco, Pa., under contract with Mathews Conveyor Division of Rex Chainbelt, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 129618 (Sub-No. 3) (Amendment), filed January 12, 1970, published in the FEDERAL REGISTER issue of February 5, 1970, and republished as amended this issue. Applicant: EISENBACH ENTERPRISES LIMITED, 327 Murry Street, Brantford, Ontario, Canada. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, chrome splits, bellies, materials and supplies* used in the processing, preserving, or curing of hides, skins, or glue (except chemicals in bulk), between the international boundary between the United States and Canada at the Detroit, St. Clair, and Niagara Rivers on the one hand, and on the other, Duluth, St. Paul, Minn.; Butler, Mo.; Omaha, Nebr.; Roanoke and Luray, Va.; Memphis, Knoxville, and Nashville, Tenn.; and points in North Carolina, South Carolina, Iowa, Mississippi, and Kentucky (except Louisville). **NOTE:** The purpose of this republication is to reflect a changed territorial scope of the application. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 129645 (Sub-No. 14), filed January 30, 1970. Applicant: BASIL J. SMEESTER, AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING COMPANY, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: (1) *Building, roofing and insulation board*; (2) *composition board*; (3) *urethane and urethane products*; (4) *materials, supplies, and accessories* used in the installation of the commodities named in (1), (2), and (3) above, from the plantsite of the Celotex Corp. at L'Anse, Mich., and warehouses owned or leased by the Celotex Corp. in the Upper Peninsula of Michigan, to points in Kansas and Nebraska. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 127093 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 129645 (Sub-No. 15), filed January 30, 1970. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING COMPANY, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum products*; (2) *composition boards*; (3) *insulating materials*; (4) *urethane and urethane products*; and (5) *materials, supplies and accessories* used in the installation of the commodities named in (1), (2), (3), and (4) above, from the plantsite of the Celotex Corp. at Port Clinton, Ohio, to points in Arkansas, Illinois, New York, Pennsylvania, West Virginia, and Virginia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 127093 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 133814 (Sub-No. 6), filed February 2, 1970. Applicant: E. F. CARROLL, doing business as CARROLL TRUCKING COMPANY, 3533 Audobon Road, Montgomery, Ala. 36111. Applicant's representative: R. S. Richard, 57 Adams Avenue, Post Office Box 2069, Montgomery, Ala. 36103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Jefferson County, Ala., to points in Alabama, Georgia, Florida, Mississippi, and Tennessee. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 134202 (Sub-No. 2), filed February 9, 1970. Applicant: GERALD AMUNDSON, doing business as AMUNDSON TRUCKING, Route 2, Bemidji, Minn. 56601. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to Bemidji, Minn. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134269 (Sub-No. 2), filed February 2, 1970. Applicant: ORVILLE W. BLIHOFDE, 121 South St. Marie, Barron, Wis. 54812. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tent trailers*, from points in Barron County, Wis., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Tennessee, and Wisconsin; and (2) *parts, materials, and supplies* used in the manufacture of tent trailers from Harmony, Minn., to points in Barron County, Wis. **NOTE:** Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134321 (Sub-No. 1), filed February 2, 1970. Applicant: HAROLD W. HOLT, Route No. 5, Manchester, Tenn. 37355. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Semifinished wood furniture parts*, unassembled, from the plantsite of the Campbell & Dann Manufacturing Co. at Tullahoma, Tenn., to points in Georgia, Kentucky, North Carolina, and Virginia; and (2) *unfinished wood furniture blanks*, from Cape Girardeau, Mo., to the plantsite of the Campbell & Dann Manufacturing Co. at Tullahoma, Tenn.; under continuing contracts with Campbell & Dann Manufacturing Co., Tullahoma, Tenn. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Nashville or Chattanooga, Tenn.

MOTOR CARRIERS OF PASSENGERS

No. MC 172 (Sub-No. 7), filed January 27, 1970. Applicant: ROBERT E. WADE, 1312 Helderberg Avenue, Schenectady, N.Y. 12306. Applicant's representative: S. Harrison Kahn, Investment Building, Suite 733, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage* in round-trip, sightseeing and pleasure tours, in special operations, from points in that part of New York bounded by a line beginning at Windham, N.Y., and extending through Gilboa to Cooperstown, thence through Sharon Springs to Amsterdam, thence through Hoffmans to Schenectady, and thence through South Berne, to point of beginning, to all points in the United States (except points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, and the District of Columbia); and (2) *passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations, from points in that part of New York bounded by a line beginning at Windham, N.Y., and extending through Gilboa to Cooperstown, thence through Sharon

Springs to Amsterdam, thence through Hoffmans to Schenectady, and thence through South Berne to point of beginning, to all points in the United States (except points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, the District of Columbia, North Carolina, South Carolina, Georgia, Florida, and Maine). Note: Applicant states it will tack authority sought herein with existing authorities. If a hearing is deemed necessary, applicant requests it be held at Schenectady or Albany, N.Y.

No. MC 134296, filed January 13, 1970. Applicant: BENSON WORLD AIR CHARTER CORPORATION, Elkridge Landing Road, Post Office Box 8715, Friendship Airport, Baltimore, Md. 21240. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, commodities in bulk, and those requiring special equipment; (1) between the Friendship International Airport, Md., the Washington National Airport, Washington, D.C., and the Dulles International Airport, Va., on the one hand, and, on the other, points in the Commonwealth of Virginia on and north of U.S. Highway 60, the District of Columbia, Maryland, Delaware, and that part of the Commonwealth of Pennsylvania bounded on the west by Interstate Highway 81, thence northwesterly along Interstate Highway 81 to its intersection with U.S. Highway 30, and thence easterly over U.S. Highway 30 to its intersection with the Philadelphia River, the boundary line between New Jersey and Pennsylvania including all points and the described highway; and (2) between the Friendship Airport, Md., the Washington National Airport, Washington, D.C., and the Dulles International Airport, Va. Restriction: The service authorized herein is subject to the following conditions: Said service is restricted to the transportation of traffic having a prior or subsequent movement by air. Note: Applicant holds contract authority under MC 129566, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

APPLICATION OF FREIGHT FORWARDER

No. FF-38 (Sub-No. 8) (ABC FREIGHT FORWARDING CORPORATION—Extension—California), filed February 17, 1970. Applicant: ABC FREIGHT FORWARDING CORPORATION, 201 11th Avenue, New York, N.Y. 1001. Applicant's representative: Isadore Richman (same address as applicant). Authority sought to under section 410 of Part IV of the Interstate Commerce Act, for a permit to extend operations as a *freight forwarder*, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, motor vehicle and water in the transportation of *general commodities*, from points in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, New

Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont to points in California, Oregon and Washington.

BROKER APPLICATIONS

No. MC 130108, filed February 4, 1970. Applicant: WHITFIELD BUS LINES, INC., 300-316 North Clark Road, Post Office Drawer 9897, El Paso, Tex. 79989. Applicant's representative: R. E. Crews (same address as applicant). For a license (BMC-5) to engage in operations as a *broker* at El Paso, Tex., and Las Cruces, N. Mex., in arranging for transportation by motor vehicle, in interstate and foreign commerce, of *individual passengers, group passengers, and baggage* of passenger in the same vehicle, in special and charter operations, beginning and ending at points in El Paso, Tex., and Las Cruces, N. Mex., and extending to all points in the United States, including Alaska and Hawaii.

No. MC 130109, filed January 30, 1970. Applicant: HOST, INC., 15 North Fifth Street, Sunbury, Pa. 17801. Applicant's representative: Leonard R. Apfelbaum, 160 Arch Street, Sunbury, Pa. 17801. For a license (BMC-5) to engage in operations as a *broker* at Sunbury, Pa., in arranging for the transportation by motor vehicle, rail, air, and water, in interstate or foreign commerce, of *passengers and their baggage*, as individuals and in groups, beginning and ending at points in Northumberland, Snyder, Union, Montour, and Columbia Counties, Pa., and extending to points in the United States.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 35628 (Sub-No. 303), filed February 11, 1970. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kansas City, Mo., and Denver, Colo., from Kansas City over Interstate Highway 70 to junction with U.S. Highway 40 at Limon, Colo., thence over U.S. Highway 40 to junction with Interstate Highway 70 at Agate, Colo., thence over Interstate Highway 70 to Denver, and return over the same route, as alternate route for operating convenience only.

No. MC 115841 (Sub-No. 371), filed February 6, 1970. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods*, in vehicles equipped with mechanical refrigeration,

from Nashville, Tenn., to points in Louisiana, Alabama, Mississippi, North Carolina, South Carolina, Georgia, and Arkansas. Note: Applicant presently holds authority to transport prepared foods when moving in mixed loads with shipments of frozen foods in its Subs No. 72 authority to points in Alabama, Mississippi, and Louisiana, and seeks to modify its certificate to remove the restriction as to moving in mixed loads with frozen foods. Applicant also holds authority to transport prepared foods from Nashville, Tenn., to all points in North Carolina and South Carolina, Georgia, and Arkansas by observing the Birmingham, Ala., gateway and seeks to eliminate the Birmingham, Ala., gateway as to those States. Common control may be involved. Applicant states that it can tack with its lead certificate to provide service from various points in New York and New Jersey to the destination States herein sought, but it can perform most of that service by utilizing other gateways it now holds.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-2624; Filed, Mar. 4, 1970; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 2, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41909—*Sand to points in New Jersey and Pennsylvania*. Filed by Southwestern Freight Bureau, agent (No. B-134), for interested rail carriers. Rates on sand, in carloads, as described in the application, from specified points in Arkansas, Missouri, Oklahoma, and Texas, to specified points in New Jersey and Pennsylvania.

Grounds for relief—Modified short-line distance formula.

Tariff—Supplement 67 to Southwestern Freight Bureau, agent, tariff ICC 4797.

FSA No. 41910—*Sand to Urbana, Ohio*. Filed by Southwestern Freight Bureau, agent (No. B-136), for interested rail carriers. Rates on sand, in carloads, as described in the application, from Klon-dike, Ludwig, and Pacific, Mo., to Urbana, Ohio.

Grounds for relief—Modified short-line distance formula.

Tariff—Supplement 67 to Southwestern Freight Bureau, agent, tariff ICC 4797.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-2709; Filed, Mar. 4, 1970; 8:49 a.m.]

[Notice 35]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 27, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the *FEDERAL REGISTER*, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the *FEDERAL REGISTER* publication, within 15 calendar days after the date of notice of the filing of the application is published in the *FEDERAL REGISTER*. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52110 (Sub-No. 117 TA), filed February 25, 1970. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, Iowa 50312. Applicant's representative: A. W. Lindsley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Macon, Mo., to Louisville, Ky., for 180 days. Supporting shipper: Macon Beef Packers, Inc., Post Office Box 262, Macon, Mo. 63552. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 56679 (Sub-No. 39 TA), filed February 25, 1970. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE, Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic animal and poultry feed ingredients and blends thereof*, from Rogers, Minn., to Bishop, Ga., for 180 days. Supporting shippers: Georgia Calf-Teria Farm Service, Bishop, Ga.; K & K Manufacturing, Inc., Rogers, Minn. 53374. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW, Atlanta, Ga. 30309.

No. MC-87720 (Sub-No. 97 TA), filed February 25, 1970. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins,

140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, dry, in bulk, in tank vehicles, from Pottstown, Pa., and Perryville, Md., to Burlington, N.J., for 180 days. Supporting shipper: Tenneco Chemicals, Inc., Tenneco Plastics Division, Post Office Box 2, Piscataway, N.J. 08854. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 104675 (Sub-No. 26 TA), filed February 25, 1970. Applicant: FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo, N.Y. 14210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, in bulk, in tank vehicles, from Hailesboro, N.Y., and Emeryville, N.Y., to Shelton, Conn.; *Return movement: returned, rejected, and refused shipments* of the same commodity in the reverse direction, for 150 days. Supporting shipper: International Talc Co., Inc., 420 Lexington Avenue, New York, N.Y. 10017. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 109891 (Sub-No. 14 TA), filed February 25, 1970. Applicant: INFINGER TRANSPORTATION COMPANY, INC., Post Office Box 7398, Charleston Heights, S.C. 29405. Applicant's representative: William Addams, Suite, 1776 Peachtree Street NW, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk and in packages, from Charleston, S.C., to points in Alabama and Kentucky; (2) *empty collapsible containers*, moving with petroleum products in bulk, from Charleston, S.C., to points in Alabama, Georgia, Kentucky, and Tennessee, for 150 days. Supporting shippers: Gulf Oil Co., 1375 Peachtree Street NE, Atlanta, Ga. 30309; Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 113678 (Sub-No. 375 TA), filed February 25, 1970. Applicant: CURTIS, INC., 4810 Pontiac Street, Post Office Box 16004, Denver, Colo. 80216. Applicant's representative: Oscar Mandle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in tank vehicles), from the plantsite, warehouses and storage facilities used by Sioux-Preme Packing Co. at or near Sioux Center, Iowa to points in California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Maine, Maryland, Michigan, Massachusetts, Washington, D.C., Montana, Nevada, New Jersey, New Mexico, New York, Ohio,

Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Vermont, and Washington, for 180 days. Supporting shipper: Sioux-Preme Packing Co., Post Office Box 177, Sioux Center, Iowa 51250. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114312 (Sub-No. 14 TA), filed February 25, 1970. Applicant: ABBOTT TRUCKING, INC., Route 3, Box 74, Delta, Ohio 43515. Applicant's representative: John P. McMahon, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk, dry fertilizer, fertilizer materials, and fertilizer ingredients*, from the plantsite and other facilities of the Olin Agricultural Division at Joliet, Ill., to points in Indiana, Michigan, and Ohio, for 180 days. Supporting shipper: Agricultural Division Olin, Post Office Box 991, Little Rock, Ark. 72203. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 119531 (Sub-No. 138 TA), filed February 25, 1970. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Raymond C. Minks, 5391 Wooster Road, Cincinnati, Ohio 45226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Batavia, Ill., to Lima, Ohio, for 180 days. Supporting shipper: American Can Co., 200 South Michigan Avenue, Chicago, Ill. 60604. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 125168 (Sub-No. 15 TA), filed February 25, 1970. Applicant: OIL TANK LINES, INC., Box 190, Darby, Pa. 19023. Applicant's representative: Richard H. Davis (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in bulk, in tank vehicles, for the account of Pennzoll United, Inc., between Falling Rock, W. Va., on the one hand, and, on the other, Freedom, Pa., to points in Buchanan, Dickens, and Russell Counties, Va., for 180 days. Supporting shipper: Pennzoll Co., Drake Building, Oil City, Pa. 16301. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 128007 (Sub-No. 23 TA), filed February 25, 1970. Applicant: HOFER, INC., Post Office Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil well sealing mixture*, from the

plantsite and storage facilities of Gravette Shelling Co., Inc., at Gravette, Ark., to points in Louisiana, Oklahoma, Texas, New Mexico, Alabama, Kansas, Colorado, and Wyoming, for 180 days. Supporting shippers: Gravette Shelling Co., Inc., Gravette, Ark.; Rotary Drilling Services, Inc., Tulsa, Okla. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-2706; Filed, Mar. 4, 1970;
8:49 a.m.]

[Notice 36]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 2, 1970.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR, Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 111812 (Sub-No. 399 TA), filed February 25, 1970. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses* (except hides and bulk), from Sioux Center, Iowa, points in Delaware, Maine, Maryland, Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: Sioux-Preme Packing Co., Post Office Box 177, Sioux Center, Iowa 51250, L. R. Walsh, Vice President. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 115955 (Sub-No. 17 TA), filed February 25, 1970. Applicant: SCARI'S DELIVERY SERVICE, INC., Post Office Box 2627, Wilmington, Del. 19805. Applicant's representative: Harry J. Scari (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, having prior or subsequent transportation over railroad trailer on flatcar service and the movement of empty trailers having prior or subsequent transportation over railroad trailer on flatcar service, between railroad trailer on flatcar facilities located at Philadelphia, Pa.; Wilmington, Del.; Baltimore, Md.; and Alexandria, Va., on the one hand, and, on the other points in Philadelphia, Chester, and Delaware Counties, Pa.; Camden, Gloucester, and Salem Counties, N.J.; New Castle, Kent, and Sussex Counties, Del.; and Montgomery and Baltimore Counties, Md., and Baltimore City, Md., for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; By J. G. McKeefery—Assistant Traffic Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 119767 (Sub-No. 237 TA), filed February 25, 1970. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned vegetables and canned mushroom products*, from plantsite of Green Giant Co., at Belvidere, Ill., to points in Kentucky, Indiana, Michigan, and Ohio, for 180 days. Supporting shipper: Green Giant Co., Le Sueur, Minn. 56058 (David L. Matz, Motor Transportation Supervisor). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 119863 (Sub-No. 8 TA), filed February 25, 1970. Applicant: LAMONI REFRIGERATED EXPRESS, INC., Post Office Box 144, Davis City, Iowa 50065. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of E. W. Knip, Inc., near Wahoo, Nebr., to Aurora and Chicago, Ill., for 180 days. Supporting shipper: E. W. Knip, Inc., Post Office Box 173, Omaha, Nebr. 68107. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 123993 (Sub-No. 11 TA), filed February 25, 1970. Applicant: FOGLEMAN TRUCK LINE, INC., 1724 West Mill Street, Crowley, La. 70526. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Luling, La., to points in Alabama and Mississippi, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133316 (Sub-No. 2 TA) (Correction), filed February 4, 1970, published in the FEDERAL REGISTER, issue of February 12, 1970, and republished in part, as corrected, this issue. Applicant: FRANK R. GIVIGLIANO, doing business as GIVIGLIANO TRANSPORT, 1513 San Pedro Street, Box 22, Trinidad, Colo. 81082. Note: The purpose of this partial republication is solely to include the words "to points in California", in the destination territory, which words were inadvertently omitted in the previous publication. The rest of the application remains as previously published.

No. MC 134363 TA, filed February 25, 1970. Applicant: TWIN STATES MOTOR LINES, INC., Post Office Box 141, Lugoff, S.C. 29078. Applicant's representative: Charles H. Sturgeon, 500 South Main Street, Akron, Ohio 44318. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are manufactured, processed, or dealt in by rubber or rubber products manufacturers, including supplies incidental to the conduct of such business (excluding commodities in bulk, in tank vehicles), between The B. F. Goodrich plant at Elgin, S.C., and The B. F. Goodrich Co., plant at Lumberton, N.C., for 180 days. Supporting shipper: The B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-2707; Filed, Mar. 4, 1970;
8:49 a.m.]

[Notice 502]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 2, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered

proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71567. By order of February 24, 1970, the Motor Carrier Board approved the transfer to Robert W. Henningsen and John W. Henningsen, a partnership, doing business as Henningsen Bros. Trucking, Preston, Iowa, of certificate in No. MC-93718, issued May 17, 1949, to Bert Henningsen, doing business as Henningsen Trucks, Preston, Iowa, authorizing the transportation of a wide variety of specified commodities, from, to, or between specified points in Illinois and Iowa. J. E. Goodenow, 118 South Main, Maquoketa, Iowa 52060, attorney for applicants.

No. MC-FC-71762 (*Republished, as amended*). By order of February 24, 1970, the Motor Carrier Board approved the transfer to 50 State Auto Delivery, Inc., doing business as Arrow Towing Service, Brooklyn, N.Y., of certificate No. MC-125890 (Sub-No. 1) issued February 18, 1970, to Arrow Towing Service Corp., a corporation, Brooklyn, N.Y., authorizing the transportation of: Wrecked and disabled motor vehicles and replacement vehicles therefor (except trailers designed to be drawn by passenger automobiles), used forklift trucks, used car cranes, and used truck cranes, by use of wrecker equipment only, between New York, N.Y., and points in Long Island, N.Y., on the one hand, and, on the other, points in Vermont, Rhode Island, Massachusetts, Connecticut, New Jersey, New Hampshire, Ohio, Pennsylvania, Delaware, Maryland, Virginia, Maine, and the District of Columbia. George A. Olsen, 60 Tonnele Avenue, Jersey City, N.J. 07306, representative for applicants.

No. MC-FC-71840. By order of February 24, 1970, the Motor Carrier Board

approved the transfer to Wilbur Miller and David Trebus, a partnership, doing business as Miller Truck Line, River Falls, Wis., of certificate in No. MC-5857, issued August 13, 1964, to Wilbur Miller, doing business as Miller Truck Line, River Falls, Wis., authorizing the transportation of: Livestock, agricultural commodities, general commodities, with the usual exceptions, from, to, or between specified points in Wisconsin and Minnesota. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representing applicants.

No. MC-FC-71875. By order of February 24, 1970, the Motor Carrier Board approved the transfer to Quality Van Lines, Inc., East Rockaway, N.Y., of certificate in No. MC-84414, issued June 4, 1947, to Albert Bahr, Inc., Seaford, N.Y., authorizing the transportation of: Household goods, between New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for applicants.

No. MC-FC-71894. By order of February 25, 1970, the Motor Carrier Board approved the transfer to Robert E. Cunningham, doing business as Bob's Express, Morrisville, N.Y., of certificate No. MC-2766 issued October 24, 1968, to Richard F. Gallup and Virginia S. Gallup, a partnership, doing business as Bartlett's Motor Express, Eaton, N.Y., authorizing the transportation of general commodities, with the usual exceptions, between Syracuse, N.Y., and Cazenovia, N.Y., serving all intermediate points, and the off-route point of Chittenango Falls, N.Y. Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202, attorney for applicants.

No. MC-FC-71936. By order of February 24, 1970, the Motor Carrier Board approved the transfer to Turner Towing

Co., Inc., Tacoma, Wash., of certificates Nos. MC-117291 and MC-117291 (Sub-No. 1) issued to Jack C. Turner, doing business as Turner Towing Co., Tacoma, Wash., authorizing the transportation of disabled motor vehicles, and wrecked, by use of wrecker, between points in Washington and Oregon. James M. Healy, Jr., 1507 Puget Sound Band, Tacoma, Wash. 98402, attorney for applicants.

No. MC-FC-71940. By order of February 24, 1970, the Motor Carrier Board approved the transfer to Norman Grist, Jr., doing business as Norman Grist, Jr. and Abbot Storage Co., 2 California Avenue, Absecon, N.J., of certificate No. MC-35402, issued April 15, 1963, to Hoyt Fenimore Montgomery, Port Republic, N.J., authorizing the transportation of: Household goods, between Atlantic City, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, within 200 miles of Atlantic City; and household goods as defined by the Commission, between points within 15 miles of Atlantic City, N.J., not including Atlantic City, on the one hand, and, on the other, points in the above-described destination territory.

No. MC-FC-71948. By order of February 24, 1970, the Motor Carrier Board approved the transfer to Tumbleson Transfer Co., a Delaware corporation, Bartonville, Ill., of the certificate of registration in No. MC-120089 (Sub-No. 1) issued November 5, 1963, to Tumbleson Transfer Co., an Illinois corporation, Bartonville, Ill., evidencing a right to engage in transportation in interstate of foreign commerce solely within the State of Illinois. Routman and Lawley, 308 Reisch Building, Springfield, Ill. 62701, attorneys for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-2708; Filed, Mar. 4, 1970;
8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

3 CFR	Page	12 CFR—Continued	Page	29 CFR	Page
PROCLAMATIONS:		PROPOSED RULES:		PROPOSED RULES:	
2761A (see Proc. 3967) -----	3975	204 -----	4080	204 -----	3996
2929 (see Proc. 3967) -----	3975	217 -----	4080	1425 -----	4007
3140 (see Proc. 3967) -----	3975				
3455 (see Proc. 3967) -----	3975	14 CFR		31 CFR	
3458 (see Proc. 3967) -----	3975	71 -----	4116	500 -----	4045
3548 (see Proc. 3967) -----	3975	73 -----	4053		
3762 (see Proc. 3967) -----	3975	91 -----	4116	32 CFR	
3816 (see Proc. 3967) -----	3975	95 -----	3982	591 -----	4123
3951 (see Proc. 3967) -----	3975	97 -----	3988	592 -----	4126
3967 -----	3975			593 -----	4127
				594 -----	4130
EXECUTIVE ORDERS:		16 CFR		596 -----	4130
11035 (superseded by EO		13 -----	3993, 4116-4120	599 -----	4131
11512) -----	3979	15 -----	3993	600 -----	4131
11512 -----	3979			601 -----	4131
11513 -----	4113				
		17 CFR		33 CFR	
7 CFR		200 -----	4121	25 -----	4045
52 -----	3981	211 -----	4121	74 -----	4045
601 -----	4041	231 -----	4121		
907 -----	4132	239 -----	4122	PROPOSED RULES:	
908 -----	4132	249 -----	4122	110 -----	4136
909 -----	4041				
910 -----	3982	18 CFR		39 CFR	
1016 -----	4042	2 -----	3993, 4133	PROPOSED RULES:	
1034 -----	4042	157 -----	4133	155 -----	4054
1041 -----	4043	PROPOSED RULES:			
1443 -----	4132	141 -----	4080	41 CFR	
PROPOSED RULES:		154 -----	4008, 4080, 4141	9-1 -----	3994
1001 -----	4056	157 -----	4080		
1015 -----	4056	201 -----	4008, 4080, 4141	45 CFR	
1030 -----	4064	260 -----	4008, 4080, 4141	PROPOSED RULES:	
				Ch. IX -----	4180
8 CFR		21 CFR		46 CFR	
PROPOSED RULES:		135b -----	4133	272 -----	4048
103 -----	4135	PROPOSED RULES:			
214 -----	4135	191 -----	4001	47 CFR	
				PROPOSED RULES:	
9 CFR		23 CFR		73 -----	4138
76 -----	4043, 4115	PROPOSED RULES:		89 -----	4079
		255 -----	4080	97 -----	4138
10 CFR					
30 -----	3982	26 CFR		49 CFR	
31 -----	3982	13 -----	3995	1307 -----	4052
PROPOSED RULES:		PROPOSED RULES:		PROPOSED RULES:	
3 -----	4056	1 -----	4054	371 -----	4136
12 CFR		28 CFR		50 CFR	
265 -----	4044	0 -----	3994	33 -----	3995
544 -----	4044			258 -----	4052
563 -----	4044				

FEDERAL REGISTER

VOLUME 35 • NUMBER 44

Thursday, March 5, 1970 • Washington, D.C.

PART II

Department of Health,
Education, and Welfare

Social and Rehabilitation Service

•

Aging Programs and Activities

Notice of
Proposed Rule Making



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

I 45 CFR Ch. IX I

AGING PROGRAMS AND ACTIVITIES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations revise Chapter IX of Title 45 of the Code of Federal Regulations to implement and govern the administration of the following programs in aging authorized by the Older Americans Act of 1965, as amended: Grants for State and community programs for the aging; grants and contracts for research and development projects and training projects; and grants and contracts for the foster grandparent program.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 C Street SW., Washington, D.C. 20201, within a period of 30 days from date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are to be issued under the authority contained in secs. 101-705, 79 Stat. 218-226, 81 Stat. 106-108, 82 Stat. 1101, 83 Stat. 108-115; 42 U.S.C. 3001 et seq.

Dated: December 31, 1969.

MARY E. SWITZER,
Administrator, Social and
Rehabilitation Service.

Approved: February 27, 1970.

ROBERT H. FINCH,
Secretary.

Chapter IX of Title 45 of the Code of Federal Regulations is revised to include new regulations to implement the Older Americans Act Amendments of 1969 (Public Law 91-69). Some changes are also made in existing regulations to reflect current program activities and emphases of the Administration on Aging in the Social and Rehabilitation Service.

Federal financial assistance extended under this chapter is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Part

901 General.

903 Grants for State and community programs for the aging.

904 Research and development projects.

905 Training projects.

907 Foster grandparent program.

908 Advisory committees.

PART 901—GENERAL

Sec.

901.1 Purposes of the Act.

901.2 Definitions.

901.3 Publications, copyrights, educational materials, and inventions.

AUTHORITY: The provisions of this Part 901 issued under sec. 101 et seq., 79 Stat. 218-226, 81 Stat. 106-108, 82 Stat. 1101, 83 Stat. 108-115; 42 U.S.C. 3001 et seq.

§ 901.1 Purposes of the Act.

In the Declaration of Objectives for Older Americans (section 101 of the Older Americans Act of 1965) the Congress found and declared that, in keeping with the traditional American concept of the inherent dignity of the individual in our democratic society, the older people of our Nation are entitled to, and it is the joint and several duty and responsibility of the governments of the United States and of the several States and their political subdivisions to assist our older people to secure equal opportunity to the full and free enjoyment of the following objectives;

(a) An adequate income in retirement in accordance with the American standard of living.

(b) The best possible physical and mental health which science can make available and without regard to economic status.

(c) Suitable housing, independently selected, designed, and located with reference to special needs and available at costs which older citizens can afford.

(d) Full restorative services for those who require institutional care.

(e) Opportunity for employment with no discriminatory personnel practices because of age.

(f) Retirement in health, honor, dignity—after years of contribution to the economy.

(g) Pursuit of meaningful activity within the widest range of civic, cultural, and recreational opportunities.

(h) Efficient community services which provide social assistance in a coordinated manner and which are readily available when needed.

(i) Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

(j) Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives.

§ 901.2 Definitions.

(a) "Act" means the Older Americans Act of 1965, as amended (42 U.S.C. 3001 et seq.).

(b) "Administration on Aging" means the Administration on Aging established under the provisions of the Act in the Department of Health, Education, and Welfare.

(c) "Commissioner" means, unless the context otherwise requires, the Commissioner of the Administration on Aging.

(d) "Department" means the Department of Health, Education, and Welfare.

(e) The term "fiscal year" refers to the Federal fiscal year.

(f) The term "nonprofit" as applied to any agency, institution or organization means an agency, institution, or

organization which is, or is owned and operated by, one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(g) "Population" as applied to any State means the population of that State as determined by the most recent official estimates of the Bureau of the Census available to the Secretary preceding the fiscal year for which Federal grant funds are appropriated.

(h) "Project Period" means the period of time which the Secretary finds is reasonably required to initiate and conduct a project submitted under the provisions of title IV or V of the Act.

(i) "Secretary" means the Secretary of Health, Education, and Welfare.

(j) "Single organizational unit" means the unit established within the State agency with delegated authority for, and whose principal responsibility shall be, planning, coordination, and evaluation of programs and activities related to the purposes of the Act, and administration of the State plan.

(k) "State" means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(l) "State agency" means the single State agency established or designated as the sole agency for administering or supervising the administration of the State plan.

(m) "State plan" means the document or documents submitted by the States to comply with the requirements for participation under title III of the Act.

§ 901.3 Publications, copyrights, educational materials, and inventions.

(a) *Publications.* Grantees under this chapter may publish results of any projects without prior review by the Administration on Aging: *Provided*, That such publications carry a footnote acknowledging assistance received under the Act, and that the claimed findings and conclusions do not necessarily reflect the views of the Administration on Aging, and provided that copies of the publication are furnished to the Administration on Aging.

(b) *Copyrights.* Where the grant-supported activity results in a book or other copyrightable material, the author is free to copyright, but the Administration on Aging reserves a royalty free non-exclusive, and irrevocable license to reproduce, publish, translate, or otherwise use, and to authorize others to use, all copyrightable or copyrighted materials resulting from the grant-supported activity.

(c) *Educational materials.* All educational materials arising out of the grant supported activity shall be available to the Secretary to reproduce, publish, translate, or otherwise use, and to authorize others to use.

(d) *Inventions.* Any invention arising out of the grant-supported activity shall be promptly and fully reported to the Administration on Aging. Ownership and

the manner of disposition shall be determined by the Secretary in accordance with Department patent regulations and policy.

PART 903—GRANTS FOR STATE AND COMMUNITY PROGRAMS FOR THE AGING

THE STATE PLAN—GENERAL

- Sec.
- 903.1 Purpose.
- 903.2 Plan submission and approval.
- 903.3 Plan amendments.
- 903.4 Plan review.
- 903.5 Plan disapproval.
- 903.6 Withholding of funds.
- 903.7 Appeal procedures.

THE STATE PLAN—ADMINISTRATION

- 903.10 State agency.
- 903.11 Authority of the State agency.
- 903.12 Organization of the State agency.
- 903.13 Functions and staffing of the single organizational unit.
- 903.14 Participation of older Americans; advisory assistance to the State agency.
- 903.15 Standards of personnel administration.
- 903.16 Training and manpower development.
- 903.17 Fiscal administration.
- 903.18 Methods of administration.

THE STATE PLAN—PLANNING, COORDINATION, AND EVALUATION

- 903.20 Planning, coordination, and evaluation.
- 903.21 Consultative, technical, and information services.
- 903.22 Cooperation with other agencies and organizations.
- 903.23 Report on aging in the State.
- 903.24 Reports.

COMMUNITY PROGRAMS ON AGING

- 903.30 Community projects.
- 903.31 Principles and priorities for community projects.
- 903.32 Eligibility of applicants.
- 903.33 Approval of community projects.
- 903.34 Opportunity for hearing.
- 903.35 Cost sharing in community projects.

ALLOTMENTS AND FEDERAL FINANCIAL PARTICIPATION

- 903.40 Allotments to the State for planning, coordination, evaluation, and administration.
- 903.41 Federal financial participation in State planning, coordination, evaluation, and administration.
- 903.42 Maintenance of effort.
- 903.43 Reallocation of planning, coordination, evaluation, and administration funds.
- 903.44 Allotment to the States for community projects.
- 903.45 Federal financial participation in community projects.
- 903.46 Reallocation of community project funds.
- 903.47 Expenditure of grant funds.
- 903.48 Payments.
- 903.49 Audit.

AUTHORITY: The provisions of this Part 903 issued under secs. 101 et seq., 79 Stat. 218-226, 81 Stat. 106-108, 82 Stat. 1101, 83 Stat. 108-115; 42 U.S.C. 3001 et seq.

THE STATE PLAN—GENERAL

§ 903.1 Purpose.

A basic condition to the certification of Federal funds under title II of the Act

is a State plan found to meet Federal requirements. The State plan is a commitment that the title III program will be carried out in keeping with the provisions of the Act and all regulations, policies, and procedures established by the Secretary.

§ 903.2 Plan submission and approval.

The State plan and all amendments thereto shall be submitted to the Secretary by a duly authorized officer of the State agency through the Regional Commissioner of the Social and Rehabilitation Service. The Regional Commissioner reviews the plan or amendments and approves them within his delegated authority, or forwards the plan or amendments together with his comments and recommendations to the Administrator, Social and Rehabilitation Service. Any State plan or amendment meeting the requirements of the Act and of this part shall be approved.

§ 903.3 Plan amendments.

The State agency's administration of the program shall be in conformity with the State plan as approved by the Secretary. Whenever there is any material change in the content or administration of the State plan as approved, or when there has been a change in pertinent State law or in the organization, policies, or operations of the State agency affecting the plan, the State plan shall be appropriately amended. In order to reflect the Older Americans Act Amendments of 1969, each State must submit for approval an amended State plan not later than 90 days following the effective date of the regulations in this chapter.

§ 903.4 Plan review.

The approved State plan and all amendments shall be subject to review as the Secretary may prescribe.

§ 903.5 Plan disapproval.

No State plan, or any modification thereof, submitted under title III of the Act, shall be finally disapproved without first affording the State reasonable notice and opportunity for a hearing.

§ 903.6 Withholding of funds.

Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of a State plan approved under title III of the Act, finds that (a) the State plan no longer complies with the provisions of the Act, or (b) in the administration of the plan there is a failure to comply substantially with any such provision, the Secretary shall notify such State agency that no further payments will be made to the State under title III of the Act (or in his discretion, that further payments to the State will be limited to programs under or portions of the State plan not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied no further payments shall be made to such State under title III of the Act (or

payments shall be limited to programs under or portions of the State plan not affected by such failure).

§ 903.7 Appeal procedures.

A State which is dissatisfied with a final action of the Secretary under § 903.5 or § 903.6 may appeal to the U.S. Court of Appeals for the circuit in which the State is located, by filing a petition with such court within 60 days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petitions, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

THE STATE PLAN—ADMINISTRATION

§ 903.10 State agency.

The State plan shall identify the single State agency that has been established or designated as the sole agency for administering or supervising the administration of the State plan. This agency shall be primarily responsible for coordination of State programs and activities related to the purposes of the Act and shall also have responsibility for statewide planning and evaluation of such programs and activities.

§ 903.11 Authority of the State agency.

The State plan shall contain a certification by the State Attorney General that the State agency has the authority to submit the State plan; is the sole State agency responsible for administering or supervising the administration of the State plan; and is primarily responsible for coordination of State programs and activities related to the purposes of the Act; and that nothing in the State plan is inconsistent with State law.

§ 903.12 Organization of the State agency.

(a) The State plan shall provide that there will be a single organizational unit within the State agency with delegated authority for, and whose principal responsibility shall be, planning, coordination and evaluation of programs and activities related to the purposes of the Act, and administration of the State plan. If the State agency is an independent single purpose agency, such agency, in its entirety, may constitute the single unit. In all other cases, the single organizational unit must be placed at a level within the State agency to assure effective performance of the unit's responsibilities. The organizational placement of this unit shall be equivalent to the placement of other major functional components of the agency. In establishment of the organizational structure in the central office, and elsewhere in the State, due consideration shall be given to the geography of the State, the number and concentration of older persons, and other special conditions in the State.

(b) The State plan shall provide for the development of programs and activities for carrying out the purposes of the Act, for the conduct of all functions for which the State is responsible under the Act, and for methods of administration which will assure the coordination and integration of activities, adequate controls over operations, channels for the development and interpretation of policies and standards, recordkeeping and reporting procedures, and effective supervision of staff. If certain specified portions of the plan are to be administered by an agency other than the State agency, the State plan shall provide for such methods of administration as are necessary to assure the application of State standards and the effective implementation of the State plan.

§ 903.13 Functions and staffing of the single organizational unit.

The State plan shall contain a staffing plan that sets forth the projected staffing of the single organizational unit for a 3-year period. Such plan must set forth the number, type, and timetable for the hiring of staff set forth in the plan, and provide that:

(a) The single organizational unit will be headed by an individual qualified by education and experience to assume leadership of the program, assigned full-time solely to this activity; and

(b) There will be provision for adequate numbers of qualified staff assigned full-time to the single organizational unit to assure the effective conduct of the responsibilities of the unit in the following functional areas:

(1) Research, special studies, selected data gathering, and dissemination of information;

(2) Review and evaluation of programs and services;

(3) Coordination and cooperation with all other units and agencies conducting programs for the elderly;

(4) Training activities for community leadership and service project staff;

(5) Consultative and technical assistance to other State and local, public and private agencies in the State;

(6) Public information; and

(7) All necessary administrative and management activities.

§ 903.14 Participation of older Americans; advisory assistance to the State agency.

(a) The State plan shall provide that adequate mechanisms will be developed that will assure maximum effective participation of actual or potential consumers of services under this program in the implementation of the State plan at the State and local levels. These mechanisms shall include:

(1) Provision for regular public hearings on concerns of the elderly in the State; and

(2) Provision for the participation of actual or potential consumers of services under this program whenever possible in the implementation of the State plan at the local level in the areas of services, program administration, and decision-making.

(b) The State plan shall provide for the establishment of an advisory committee to the State agency on the implementation of the State plan. At least one-half of the membership of such committee shall consist of actual or potential consumers of services under this program, with the remainder being representatives from major public and private agencies and organizations in the State concerned with the interests of older persons.

§ 903.15 Standards of personnel administration.

The State plan shall provide for such methods of personnel administration on a merit basis as are set forth in the Standards For A Merit System of Personnel Administration, Part 70 of this title, issued by the Department of Health, Education, and Welfare, and the Department of Labor, and the Department of Defense. The Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods.

§ 903.16 Training and manpower development.

The State plan shall provide for an effective program of staff development to be undertaken by the State agency. The State plan shall contain an assurance that the program undertaken by the State agency shall include:

(a) The development of a Training and Manpower Development Plan which establishes educational and training priorities for all persons employed or trained at State and local levels with resources made available under title III. Such plan shall provide for opportunities for educational leave where appropriate, and such plan shall be up-dated as necessary, but at least every 2 years;

(b) Provision for the expenditure each fiscal year of an amount of funds necessary for the effective implementation of

the Training and Manpower Development Plan; and

(c) An assurance that all title III monies expended for training be consistent with the Training and Manpower Development Plan.

§ 903.17 Fiscal administration.

The State plan shall provide for such accounting systems and procedures that are adequate to control and support all fiscal activities under title III. The State plan shall provide for the maintenance by the State agency, and all community grantees, of such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all monies received and the nature and amount of all charges claimed to lie against the allotments to the States.

§ 903.18 Methods of administration.

The State plan shall provide for such methods of administration as are necessary for the proper and efficient operation of the plan.

THE STATE PLAN—PLANNING, COORDINATION, AND EVALUATION

§ 903.20 Planning, coordination, and evaluation.

(a) The State plan shall provide that effective statewide planning will be carried out on an on-going basis on behalf of all older persons in the State, with emphasis being placed on assuring the conduct of: (1) Special studies, including issue analyses and data gathering; (2) review and evaluation of all major programs and services for the elderly in the State; and (3) establishment of linkages with all other State planning efforts and service programs that affect the elderly of the State.

(b) The State plan shall provide that the State agency will coordinate and, where possible, stimulate the development of planning efforts on behalf of all older persons at the local levels throughout the State.

(c) The State plan shall provide that mechanisms will be developed by the State agency that will assure the effective coordination of other major aging activities and programs in the State.

(d) The State plan shall provide that effective working relationships will be developed and maintained between the State agency and other public and voluntary agencies that provide services, or whose programs are concerned with the older population of the State.

(e) The State plan shall provide that the State agency will seek to develop a cooperative relationship with other major service delivery agencies to encourage the on-going evaluation of the effectiveness of programs serving the elderly of the State.

(f) The State plan shall provide for the development of a comprehensive study of the status and needs of the older population of the State in the program areas set forth in the Declaration of Objectives of Title I of the Act. Such study shall be submitted by the State agency to the Commissioner, no later than

July 1, 1971, and shall be up-dated annually thereafter.

§ 903.21 Consultative, technical, and information services.

The State plan shall provide for the furnishing of consultative, technical, and information services to public and non-profit private agencies and organizations engaged in activities relating to the special problems or welfare of older persons.

§ 903.22 Cooperation with other agencies and organizations.

The State plan shall provide for consultation with and utilization, pursuant to agreement with the head thereof, of the services and facilities of appropriate State or local public or nonprofit private agencies and organizations in the administration of the plan and in the development of programs and activities for carrying out the purposes of the Act.

§ 903.23 Report on aging in the State.

The State plan shall provide that the State agency will be responsible for coordinating the development of, and participate in, the preparation of a report on the achievements of State programs affecting the elderly in the State. Such report shall be submitted to the Commissioner, no later than July 1, 1971. Such report shall be up-dated every 2 years thereafter.

§ 903.24 Reports.

The State plan shall provide that the State agency will make such reports to the Secretary in such form and containing such information as may reasonably be necessary to enable him to perform his functions under title III of the Act, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

COMMUNITY PROGRAMS ON AGING

§ 903.30 Community projects.

Federal funds are made available under sections 301 and 302 of the Act for:

(a) Community planning and coordination of programs for carrying out the purposes of the Act;

(b) Demonstration of programs or activities which are particularly valuable in carrying out such purposes;

(c) Training of special personnel needed to carry out such programs and activities; and

(d) Establishment of new or expansion of existing programs to carry out such purposes, including establishment of new or expansion of existing centers which will assist such persons in providing recreational and other leisure time activities, and informational, health, welfare, counseling, and referral services for older persons and will assist such persons in providing volunteer community or civic services; except that no cost of construction, other than for minor alterations and repairs, shall be included in such establishment or expansion.

§ 903.31 Principles and priorities for community projects.

(a) The State plan shall set forth the principles that have been established by the State agency for determining the priority for approval of community projects under § 903.30.

(b) The State plan shall provide that the process for establishment of priorities for the approval of community projects will be an integral part of the statewide planning, coordination, and evaluation of the State agency and that only those priorities will be established which have been clearly identified through such activities. These priorities shall be ranked in the order of greatest need in the State as determined by the State agency.

(c) The State plan shall provide for the approval of only those community projects that hold significant promise toward meeting one or more of the top priorities established by the State agency.

(d) The State plan shall provide that the State agency shall review the established priorities at least annually, and revise the priorities where appropriate.

§ 903.32 Eligibility of applicants.

The State plan shall provide that only community project proposals submitted by local public or private nonprofit agencies or organizations, or public or other nonprofit institutions of higher education, shall be eligible for approval.

§ 903.33 Approval of community projects.

(a) The State plan shall provide that each community project proposal under title III, to be considered for approval, must have clearly specified objectives that are in keeping with the purpose of the Act.

(b) The State plan shall provide that a community project proposal considered under this section can be approved for a maximum of 1 year. Once approved, and before being considered for Federal support for any subsequent year, the State agency must conduct a detailed on-site evaluation of the project to determine the extent to which the objectives for which the project was approved are being met.

(c) The State plan shall provide that only those community projects which are successfully achieving the objectives for which they were approved will be considered for refunding for any subsequent project year under this section.

(d) The State plan shall provide that only the State agency shall exercise the final approval authority for community projects approved under this section.

§ 903.34 Opportunity for hearing.

The State plan shall provide that any community project applicant, whose application for approval is denied, will be afforded an opportunity for a hearing before the State agency.

§ 903.35 Cost sharing in community projects.

The State plan shall provide for financial participation by the State or communities with respect to activities and projects under the plan in order to as-

sure continuation of desirable activities and projects. Such financial participation shall include adequate contributions by State or community public agencies, and may also include contributions of other non-Federal resources. Such financial participation may be in the form of cash or in-kind resources. If in-kind resources are used, the value for such resources shall be determined in keeping with Federal policies as established by the Administration on Aging, and limited to the extent that actual costs are incurred to the community project.

ALLOTMENTS AND FEDERAL FINANCIAL PARTICIPATION

§ 903.40 Allotments to the State for planning, coordination, evaluation, and administration.

Federal funds appropriated pursuant to section 304 of the Act for any fiscal year shall be allotted among the States in the following manner:

(a) From the sum appropriated for a fiscal year under section 304 of the Act, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa shall be allotted an amount equal to one-half of 1 per centum of such sum or \$25,000, whichever is greater, and each other State shall be allotted an amount equal to 1 per centum of such sum.

(b) From the remainder of the sum so appropriated for a fiscal year each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged 65 or over in such State bears to the population aged 65 or over in all of the States, as determined by the Secretary on the basis of the most recent information available to him, including any relevant data furnished to him by the Department of Commerce.

(c) A State's allotment for a fiscal year under section 304 of the Act shall be equal to the sum of the amounts allotted under paragraphs (a) and (b) of this section; except that if such sum for any State, other than the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa, is less than \$75,000 it shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing such sum for each of the remaining States (except the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa), but with such adjustments as may be necessary to prevent such sum for any of such remaining States from being reduced to less than \$75,000.

(d) In any case in which a State does not have authority under State law to expend the full amount of its allotment under this section in the fiscal year ending June 30, 1970, the amount of such allotment which the Secretary determines the State did not have such authority to expend during a part of that fiscal year shall remain available to such State until June 30, 1971, subject to re-allotment after June 30, 1970, in accordance with the provisions of § 903.45, except as provided by the following sentence. In any case in which a State does

not have authority under State law to expend the full amount of its allotment under this section, including any amount available pursuant to the preceding sentence, in the fiscal year ending June 30, 1971, the amount of such allotment which the Secretary determines the State did not have such authority to expend during a part of that fiscal year shall remain available to such State until June 30, 1972, subject to reallocation after June 30, 1971, in accordance with the provisions of § 903.45.

§ 903.41 Federal financial participation in State planning, coordination, evaluation, and administration.

Federal funds made available under section 304 of the Act for any fiscal year shall be available to each State, which has a State plan approved under title III of the Act, and has complied with the requirements under § 903.42, to pay not in excess of 75 per centum of the costs of planning, coordination, and evaluation activities related to the purposes of the Act and of administering the State plan. Funds appropriated pursuant to the preceding sentence for the fiscal years ending June 30, 1970, and June 30, 1971, but not expended because the State did not have authority under State law to expend such funds as determined by the Secretary pursuant to section 304(b)(4) of the Act and § 903.40 (d), shall remain available as therein provided.

§ 903.42 Maintenance of effort.

Reasonable assurance shall be provided by State agencies, as the Commissioner may prescribe, that there will be expended for the purposes for which payments are made under section 304 of the Act, for the year for which such payments are made and from funds from State sources, not less than the amount expended for such purposes from such funds for the fiscal year ending June 30, 1969.

§ 903.43 Reallocation of planning, coordination, evaluation, and administration funds.

The amount of any allotment to a State under section 304 of the Act for any fiscal year which the Secretary determines will not be required for meeting the costs in such State referred to in section 304(a) of the Act and for the purposes set forth in section 304(b)(4) of the Act, shall be reallocated from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (a) have need in meeting the costs referred to in section 304(a) of the Act for sums in excess of those previously allotted to them under section 304(b) of the Act and (b) will be able to use such excess amounts for meeting such costs during any period for which the allotment is available. Such reallocations shall be made on the basis of such need and ability, after taking into consideration the population aged 65 or over. Any amount so reallocated to a State shall be deemed part of its allotment under section 304(b) of the Act.

§ 903.44 Allotments to the States for community projects.

The funds appropriated pursuant to section 301 of the Act for any fiscal year for community projects shall be allotted among the States under section 302 of the Act in the following manner:

(a) From the sum appropriated for a fiscal year under section 301, (1) the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands shall be allotted an amount equal to one-half of 1 per centum of such sum, and (2) each other State shall be allotted an amount equal to 1 per centum of such sum.

(b) From the remainder of the sum so appropriated for a fiscal year each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged 65 or over in such State bears to the population aged 65 or over in all the States as determined by the Secretary on the basis of the most recent information available to him, including any relevant data furnished to him by the Department of Commerce.

(c) A State's allotment for a fiscal year under section 302 of the Act shall be equal to the sum of the amount allotted under paragraphs (a) and (b) of this section.

§ 903.45 Federal financial participation in community projects.

(a) The allotment of any State under section 302 of the Act for any fiscal year shall be available for grants to pay part of the costs of projects in such State described in § 903.30 and approved by such State, in accordance with its approved State plan, prior to the end of such year.

(b) To the extent permitted by the State's allotment under section 302 of the Act, payments with respect to any project shall equal such percentage of the cost of the project as the State agency may provide, but not in excess of 75 per centum of the cost of such project for the first year of the duration of such project, 60 per centum of the cost for the second year of such project, and 50 per centum of such cost for the third and subsequent year of such project.

§ 903.46 Reallocation of community project funds.

The amount of any allotment to a State under section 302 of the Act for any fiscal year which the Secretary determines will not be required for community projects in the State under section 301 of the Act shall be reallocated from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (a) have need in carrying out their State plans as approved for sums in excess of those previously allotted to them under section 302(a) of the Act, and (b) will be able to use such excess amounts for projects approved by the State during the period for which the original allotment was available. Such reallocations shall be made on the basis of the State plans so approved, after taking into consideration the population aged 65 or over. Any amount so reallocated to a State shall

be deemed part of its allotment under section 302 of the Act.

§ 903.47 Expenditure of grant funds.

The types of expenditures of grant funds which are recognized for Federal financial participation under title III of the Act, and the conditions under which such expenditures are recognized, are set forth in manuals and other issuances of the Administration on Aging. Grant funds as used in this section mean Federal funds and all other resources used to earn Federal matching funds for the purpose of implementing the State plan under the Act.

§ 903.48 Payments.

Payments under title III of the Act may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

§ 903.49 Audit.

All fiscal transactions by the State agency, any other agency (if any) administering part of the plan, and any project grantee under title III of the Act, are subject to audit by the Department to determine whether expenditures have been made in accordance with the Act and this part.

PART 904—RESEARCH AND DEVELOPMENT PROJECTS

PURPOSE	
Sec.	Purpose.
904.1	GRANTS
904.2	Eligibility.
904.3	Application.
904.4	Project review.
904.5	Grant awards.
904.6	Payments.
904.7	Termination.
904.8	Reports.
904.9	Project expenditures.
904.10	Interest.
904.11	Audits.
CONTRACTS	
904.12	Contracts.

AUTHORITY: The provisions of this Part 904 issued under sec. 101 et seq., 79 Stat. 218-226, 81 Stat. 106-108, 82 Stat. 1101, 83 Stat. 108-115; 42 U.S.C. 3001 et seq.

PURPOSE

§ 904.1 Purpose.

The Secretary is authorized to make grants or enter into contracts to meet in whole or in part the costs of conducting an identified activity or program to carry out the purposes of the Act through:

(a) The study of current patterns and conditions of living of older persons and identification of factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

(b) The development or demonstration of new approaches, techniques, and methods (including multipurpose activity centers) which hold promise of substantial contribution toward wholesome and meaningful living of such persons;

(c) The development or demonstration of approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

(d) The evaluation of these approaches, techniques, and methods as well as others which may assist older persons to enjoy wholesome and meaningful living and to continue to contribute to the strength and welfare of our Nation;

(e) The collection and dissemination, through publications and other appropriate means, of information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part; or

(f) The conducting of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.

GRANTS

§ 904.2 Eligibility.

The Secretary, after consulting with the designated State agency, is authorized to make grants to any public or non-profit private agency, organization, or institution (except Federal agencies and institutions) for paying in whole or part the costs of projects designed to carry out the purposes of this part.

§ 904.3 Application.

Any applicant eligible for a grant award under § 904.2 may file application therefor with the Secretary on such forms and in such detail as the Secretary may prescribe. Such application shall set forth adequately the nature, duration, purpose, and plan of the project, the qualifications of the principal staff members to be responsible for the project, the total facilities and resources that will be available, a justification of the amount of the requested grant, and such other pertinent information as the Secretary may require. The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this part.

§ 904.4 Project review.

Completed applications will be processed by the Administration on Aging for submission to a Technical Advisory Committee composed of persons appointed by the Secretary. The applicant may be requested to submit additional information either before or after consideration of the project by the Technical Advisory Committee. All projects which meet the legal requirements for a grant are submitted to the Technical Advisory Committee which makes recommendations to the Secretary. The Secretary then determines the action to be taken with respect to each project and notifies the applicant accordingly.

§ 904.5 Grant awards.

Within the limits of funds available for such purpose, the Secretary will

award a grant to those applicants whose approved projects will in his judgment best promote the purposes of the Act and this part. All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in accordance with the provisions of this part.

§ 904.6 Payments.

(a) To the extent he deems it appropriate, the Secretary shall require the recipient of any grant under this part to contribute money, facilities, or services for carrying out the project.

(b) The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses to be incurred or incurred in the project period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards. Amounts paid shall be available for expenditure by the grantee in accordance with the regulations of this part throughout the project period subject to such limitations as the Secretary may prescribe.

§ 904.7 Termination.

A grant may be terminated in whole or in part at any time at the discretion of the Secretary. Noncancellable obligations properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

§ 904.8 Reports.

The grantee shall make such reports to the Secretary, including reports of findings and results of evaluation, in such form and containing such information as may reasonably be necessary to enable him to perform his functions under this part and shall keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

§ 904.9 Project expenditures.

Grants under this part will be available for the following types of expenditures for approved projects:

- (a) Salaries, cost of travel, and related expenses of project personnel;
- (b) Necessary supplies, equipment, and related expenses;
- (c) Purchase or provision of services to individuals served by the project;
- (d) Costs of administration and other indirect costs of the project, subject to such limitations as are set forth in the Bureau of the Budget Circular A-21, and as the Secretary may establish; and

(e) Such other items as are included in the approved application.

Expenditures shall be in connection with the conduct of the project as approved.

§ 904.10 Interest; other income.

(a) Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Social and Rehabilitation Service all interest earned on grant funds.

(b) All grantees must return to the Social and Rehabilitation Service a part of any other project income proportionate to the grant contribution to the support of the project.

§ 904.11 Audits.

All fiscal transactions by a grantee relating to grants under this part are subject to audit by the Department to determine whether expenditures have been made in accordance with the Act and this part.

CONTRACTS

§ 904.12 Contracts.

(a) *Eligibility.* The Secretary is authorized to make contracts to carry out the purposes of this part with any public or private agency, organization or institution (except Federal agencies and institutions), or with any individual, after consulting with the designated State agency.

(b) *Provisions.* Any contract under this part shall be entered into in accordance with and shall conform to all applicable laws, regulations and Department policy.

(c) *Payments.* Payments may be made in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine. To the extent he deems it appropriate, the Secretary shall require the contractor to contribute money, facilities, or services for carrying out the project for which the contract was made.

PART 905—TRAINING PROJECTS

PURPOSE	
Sec.	Purpose.
905.1	Purpose.
GRANTS	
905.2	Eligibility.
905.3	Application.
905.4	Project review.
905.5	Grant awards.
905.6	Payments.
905.7	Termination.
905.8	Reports.
905.9	Project Expenditures.
905.10	Interest.
905.11	Audits.

CONTRACTS

§ 905.12 Contracts.

AUTHORITY: The provisions of this Part 905 issued under sec. 101 et seq., 79 Stat. 218-226, 81 Stat. 106-108, 82 Stat. 1101, 83 Stat. 103-115; 42 U.S.C. sec. 3001 et seq.

PURPOSE

§ 905.1 Purpose.

The Secretary is authorized to make grants or enter into contracts to meet in whole or in part the costs of—

- (a) The specialized training of persons employed or preparing for employment in carrying out programs related to the purposes of the Act and the development or curriculums for such training;
- (b) The conduct of studies of the need for trained personnel to carry out such programs;
- (c) The preparation and dissemination of materials, including audiovisual materials and printed materials, for use in recruitment and training of such personnel;
- (d) The conduct of conferences and other meetings for the purpose of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part; or
- (e) The publication and distribution of information concerning studies, findings, and other materials developed in connection with activities under this part.

GRANTS

§ 905.2 Eligibility.

The Secretary, after consulting with the designated State agency, is authorized to make grants to any public or nonprofit private agency, organization, or institution (except Federal agencies and institutions) for paying in whole or part the costs of projects designed to carry out the purposes set forth in § 905.1.

§ 905.3 Application.

Any applicant eligible for a grant award under § 905.2 may file application therefor with the Secretary on such forms and in such detail as the Secretary may prescribe. Such application shall set forth adequately the nature, duration, purpose and plan of the project, the qualifications of the principal staff members to be responsible for the project, the total facilities and resources that will be available, a justification of the amount of the requested grant, and such other pertinent information as the Secretary may require. The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this part.

§ 905.4 Project review.

Completed applications will be processed by the Administration on Aging for submission to a Technical Advisory Committee composed of persons appointed by the Secretary. The applicant may be requested to submit additional

information either before or after consideration of the project by the Technical Advisory Committee. All projects which meet the legal requirements for a grant are submitted to the Technical Advisory Committee which makes recommendations to the Secretary. The Secretary then determines the action to be taken with respect to each project and notifies the applicant accordingly.

§ 905.5 Grant awards.

Within the limits of funds available for such purpose, the Secretary will award a grant to those applicants whose approved projects will in his judgment best promote the purposes of the Act and this part. All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in accordance with the provisions of this part.

§ 905.6 Payments.

(a) To the extent he deems it appropriate, the Secretary shall require the recipients of any grant under this part to contribute money, facilities, or services for carrying out the project.

(b) The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses to be incurred or incurred in the project period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards. Amounts paid shall be available for expenditure by the grantee in accordance with the regulations of this part throughout the project period subject to such limitations as the Secretary may prescribe.

§ 905.7 Termination.

A grant may be terminated in whole or in part at any time at the discretion of the Secretary. Noncancellable obligations properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

§ 905.8 Reports.

The grantee shall make such reports to the Secretary in such form and containing such information as may reasonably be necessary to enable him to perform his functions under this part and shall keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

§ 905.9 Project expenditures.

Grants under this part will be available for the following types of expenditures for approved projects:

- (a) Salaries, cost of travel;
- (b) Stipends or other expenses of trainees;
- (c) Necessary supplies, equipment, and related expenses;
- (d) Costs of publication and distribution of studies, findings, and materials developed in connection with activities under this title;
- (e) Costs of administration and other indirect costs of the project, subject to such limitations as are set forth in the Bureau of the Budget Circular A-21, and as the Secretary may establish; and
- (f) Such other items as are included in the approved application. Expenditures shall be in connection with the conduct of the project as approved.

§ 905.10 Interest; other income.

(a) Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Social and Rehabilitation Service all interest earned on grant funds.

(b) All grantees must return to the Social and Rehabilitation Service a part of any other project income proportionate to the grant contribution to the support of the project.

§ 905.11 Audits.

All fiscal transactions by a grantee relating to grants under this part are subject to audit by the Department to determine whether expenditures have been made in accordance with the Act and this part.

CONTRACTS

§ 905.12 Contracts.

(a) **Eligibility.** The Secretary is authorized to make contracts to carry out the purposes of this part with any agency, organization or institution (except Federal agencies and institutions), after consulting with the designated State agency.

(b) **Provisions.** Any contract under this part shall be entered into in accordance with and shall conform to all applicable laws, regulations and department policy.

(c) **Payments.** Payments may be made in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine. To the extent he deems it appropriate, the Secretary shall require the contractor to contribute money, facilities, or services for carrying out the project for which the contract was made.

PART 907—FOSTER GRANDPARENT PROGRAM

PURPOSE

Sec.
907.1 Purpose.

GRANTS AND CONTRACTS

907.2 Eligibility.
907.3 Applications.
907.4 Awards.
907.5 Payments.
907.6 Expenditures.
907.7 Audits.
907.8 Termination.

PROGRAM OPERATION

907.15 Reports and records.
907.16 Advisory committee.
907.17 Approved settings.
907.18 Eligibility of foster grandparents.
907.19 Stipends for foster grandparents.
907.20 Physical examinations.
907.21 Safety standards.
907.22 Accident insurance.
907.23 Appeal procedure.

AUTHORITY: The provisions of this Part 907 issued under sec. 101 et seq., 79 Stat. 218-226, 81 Stat. 106-108, 82 Stat. 1101, 83 Stat. 108-115; 42 U.S.C. 3001 et seq.

PURPOSE

§ 907.1 Purpose.

The purpose of the Foster Grandparent Program is to provide opportunities for low-income persons aged 60 or over to render supportive person-to-person services in health, education, welfare and related settings to children having special needs. Foster grandparents may serve children receiving care in hospitals, homes for dependent and neglected children or other establishments providing care for children with special needs.

GRANTS AND CONTRACTS

§ 907.2 Eligibility.

The Secretary is authorized to make grants to or contracts with (non-Federal) public or nonprofit private agencies and organizations to pay not more than 90 percent of the cost of development and operation of foster grandparent projects designed to carry out the purpose of this part. Projects may be supported on a continuing basis if the activity is satisfactorily carried out and Federal funds are available.

§ 907.3 Application.

(a) Any eligible agency or organization under § 907.2 may file application for the award of a grant or contract with the Administration on Aging on such forms and in such detail as the Secretary may prescribe.

(b) The application shall set forth a budget in appropriate categories such as staff salaries and fringe benefits; foster grandparent stipends and fringe benefits; staff travel; foster grandparent transportation, meals, physical examinations, uniforms or smocks and laundering thereof; supplies; orientation and in-service training; equipment; space; and other expenses. Up to 90 percent of the approved budget will be paid from Federal funds. Ten percent or more of the approved budget will be paid from non-Federal sources. Consultative serv-

ices, other than for orientation and training, and space, other than space for project staff and space reserved exclusively for foster grandparent use, cannot be approved in the budget.

(c) The application shall adequately identify the location, objectives and plan of the project and include a budget explanation as well as a budget, copies of agreements or contracts involving the project, staff position descriptions, qualifications of principal staff members, and such other pertinent information as the Secretary may require.

(d) The application shall be executed by a person authorized to act for the applicant to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations in this part.

(e) Projects to serve an area limited to one community:

(1) A reasonable opportunity shall be given to a community action agency (established under title II, Economic Opportunity Act of 1964) to apply for and receive a grant or contract to administer or supervise the administration of a project to be undertaken entirely in the community served by this agency. It is the preferred applicant for such award.

(2) When the applicant is other than a community action agency, the application must:

(i) Include a document from the community action agency, if such agency exists in the community, giving assurance that it has had, but not availed itself of, the opportunity to apply for and receive such award.

(ii) Contain satisfactory assurance that the project has been developed and will to the extent appropriate be conducted in consultation with, or with the participation of, the community action agency, if such agency exists in the community.

(3) Not less than 45 days shall be allowed for the State agency to review and make recommendations on a copy of the application.

(f) Projects to serve an area larger than one community.

(1) Preference is given to the State agency as applicant for a grant or contract to administer or supervise the administration of a multiple community or Statewide project by allowing a reasonable opportunity for the State agency to apply for and receive such award.

(2) When the applicant is other than the State agency, that is, a public or private nonprofit agency:

(i) The applicant must:

(a) Include a document from the State agency giving assurance that it has had, but not availed itself of, the opportunity to apply for and receive such award;

(b) Contain satisfactory assurance that the project has been developed and will, to the extent appropriate, be conducted in consultation with, or with the participation of, the State agency.

(ii) Not less than 45 days shall be allowed for the State agency to review and make recommendations on a copy of the application.

§ 907.4 Awards.

Within the limits of funds available for the Foster Grandparent Program, the Secretary will award a grant or contract to those applicants whose proposals will in his judgment best serve the purposes of the Act and this part. All awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award.

§ 907.5 Payments.

(a) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, due to previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Secretary may determine.

(b) Recipients of a grant or contract under this part shall contribute at least 10 percent of the approved budget.

§ 907.6 Expenditures.

(a) All expenditures are to be made in accordance with this part and with the budget approved for the project.

(b) Payments received and expenditures made shall be fully recorded by or for the grantee or contractor in accounting records separate from all other fund accounts, including funds derived from other grant or contract awards.

§ 907.7 Audits.

All fiscal transactions relating to an award under this part by a grantee, contractor, or any other agency administering a project are subject to audit by the Department to determine whether or not expenditures have been made in accordance with the Act, the conditions of the award and this part.

§ 907.8 Termination.

A grant or contract may be terminated in whole or in part at any time at the discretion of the Secretary. Noncancelable obligations properly incurred prior to the receipt of the notice of termination will be honored. The holder of an award shall be promptly notified of such termination in writing and given the reasons therefor.

PROGRAM OPERATION

§ 907.15 Reports and records.

The grantee, contractor, or any other agency administering a project shall make such reports to the Secretary in such form and containing such information as may be necessary to enable him to perform his functions under this part and shall keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

§ 907.16 Advisory committee.

A Foster Grandparent Program Advisory Committee shall be established for each project. Membership of the Advisory Committee shall consist of representatives from major private and public agencies and organizations concerned

with the best interests of older persons. At least one third of the Advisory Committee membership shall be older, low-income persons or their elected representatives.

§ 907.17 Approved settings.

Foster grandparents may be placed in settings where children are served only if the agency, institution or other setting has been licensed or otherwise certified by the State to render such a service.

§ 907.18 Eligibility of foster grandparents.

(a) A foster grandparent must be 60 years of age or over.

(b) To receive a stipend as a foster grandparent, the foster grandparent applicant's regularly recurring monetary income, other than that received as a foster grandparent, may not exceed the applicable poverty guideline.

(c) The income level causing separation from service as a foster grandparent shall be determined by the local Foster Grandparent Program Advisory Committee, but it may not exceed the applicable poverty guideline by more than 20 percent. Requests for exceptions above 20 percent must be documented for consideration by the Secretary.

§ 907.19 Stipends for foster grandparents.

The stipend for foster grandparents allowed in project budgets will be determined by the Secretary with reference to the Federal minimum wage and the funding capabilities of the Foster Grandparent Program. Local projects may offer a higher stipend, but may not include the excess payments in their project budget.

§ 907.20 Physical examinations.

Each new foster grandparent shall have an adequate physical examination

to assure that he is physically able to serve without detriment to himself or to the children served.

§ 907.21 Safety standards.

Adequate standards of safety to protect older persons serving as foster grandparents shall be established and administered by each Foster Grandparent project.

§ 907.22 Accident insurance.

All foster grandparents shall be covered by Workmen's Compensation or similar accident insurance.

§ 907.23 Appeal procedure.

Any foster grandparent who feels aggrieved by an action or a decision by applicant agency or project staff may appeal for reconsideration by the Foster Grandparent Program Advisory Committee and, finally, by the governing board of the applicant agency.

PART 908—ADVISORY COMMITTEES

Sec.

908.1 Advisory Committee on Older Americans.

908.2 Technical advisory committees.

908.3 Per diem payments.

AUTHORITY: The provisions of this Part 908 issued under secs. 101-705, 81 Stat. 106-108, 82 Stat. 1101, 83 Stat. 108-115; 42 U.S.C. 3001 et seq.

§ 908.1 Advisory Committee on Older Americans.

(a) *Appointment and composition.* The Advisory Committee on Older Americans shall consist of the Commissioner, who shall be Chairman, and 15 persons not otherwise regular full-time employees of the United States, appointed by the Secretary without regard to the civil service laws. Members shall be selected

from among persons who are experienced in or have demonstrated particular interest in special problems of aging.

(b) *Term of office.* Each member of the Advisory Committee shall hold office for a term of 3 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) *Duties.* The Advisory Committee on Older Americans will advise the Secretary on matters bearing on his responsibilities under the Act and related activities of his Department.

§ 908.2 Technical advisory committees.

The Secretary is authorized to appoint, without regard to the civil service laws, such technical advisory committees as he deems appropriate for advising him in carrying out his functions under this Act.

§ 908.3 Per diem payments.

Members of the Advisory Committee on Older Americans, or of any technical advisory committee appointed under § 908.2 who are not regular full-time employees of the United States, shall, while attending meetings or conferences of such committee or otherwise engaged on business of such committee, be entitled to receive compensation at a rate fixed by the Secretary but not exceeding \$100 per diem, including travel time, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 United States Code for persons in the Government service employed intermittently.

[F.R. Doc. 70-2682; Filed, Mar. 4, 1970; 8:47 a.m.]

ROOM USE ONLY